

**MARINE SANCTUARIES: FISHERIES, ACCESS,  
THE ENVIRONMENT, AND MARITIME HERITAGE**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON OCEANS, ATMOSPHERE,  
FISHERIES, AND COAST GUARD

OF THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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JUNE 27, 2017

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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**MARINE SANCTUARIES: FISHERIES,  
ACCESS, THE ENVIRONMENT,  
AND MARITIME HERITAGE**

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**TUESDAY, JUNE 27, 2017**

U.S. SENATE,  
SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES,  
AND COAST GUARD,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 9:30 a.m. in room SR-253, Russell Senate Office Building, Hon. Dan Sullivan, Chairman of the Subcommittee, presiding.

Present: Senators Sullivan [presiding], Gardner, Young, Peters, Markey, and Booker.

**OPENING STATEMENT OF HON. DAN SULLIVAN,  
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. The Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard will now come to order.

Good morning. I'd like to thank our witnesses for appearing today before this Subcommittee. Many have traveled a very long way to get here, and we very much appreciate that.

This morning, we're going to talk about the National Marine Sanctuary Act, which grants the Secretary of Commerce the authority to designate areas of additional restriction and management over areas in America's oceans and Great Lakes and their unique conservation, cultural, or historic significance. While the concept of National Marine Sanctuaries are well intentioned, many of these protected areas have caused some challenges for coastal and Great Lakes communities across the country that are dependent upon the abundant resources found in America's waters.

Recognizing these concerns, President Trump recently issued an Executive Order that pauses the Secretary from issuing any new designations and instituting a review of current sanctuaries. Just last week, NOAA initiated a public comment period for this review. Now, marine sanctuaries vary in size, with some less than one square mile and others that exceed 6,000 square miles. Today, sanctuaries encompass more than 600,000 square miles.

Similar to the Antiquities Act, the National Marine Sanctuary Act is one of the few laws that allows for unilateral and restrictive conservation designations solely by the Executive Branch. This is an extraordinary power. Designating national parks, forests, wilderness areas, wild and scenic rivers, and other conservation areas

all typically require congressional action and, of course, stakeholder input, which encourages an open and public process that takes local views into account, an important element and subtopic of today's hearing.

In 2014, NOAA reestablished a process by which individuals and entities may nominate areas for consideration as a National Marine Sanctuary. The criteria for areas that are eligible to become a National Marine Sanctuary is considerably broad. Since then, a multitude of nominations have been submitted. This is of serious concern, given the limited resources we currently have available to manage these areas.

As new areas are designated, existing resources are stretched ever thinner. The Sanctuary Act wisely recognized this potential pitfall and includes language that prohibits the creation of new sanctuaries if their establishment would threaten the management efforts of other sanctuaries.

Another aspect of the sanctuary designation and establishment process that I look forward to hearing about in today's hearing is NOAA's consideration of the views of the public, local communities, and existing management bodies, such as the councils under the Magnuson-Stevens Act. The Sanctuary Act requires stakeholder engagement, but has no stipulation that any of it be taken into consideration. This can lead to communities who are most impacted by these designations feeling betrayed by the agency when the established sanctuaries are unrecognizable to the very communities that spent years working to form a mutually beneficial designation and management structure.

In addition, the National Marine Sanctuary designation process gives NOAA virtually limitless authority to outline the regulations that apply in these sanctuaries. Among other things, National Marine Sanctuaries establish duplicative regulations that can limit sustainable and economically beneficial commercial and recreational fishing, usurping the authority of existing management entities such as the Regional Fisheries Management Councils, as I already mentioned, that have established authority under the Magnuson-Stevens Act. When this happens, the protection of America's precious marine resources is taken out of the hands of the very institutions and experts who have so successfully managed these resources for generations.

Since enactment in 1972, the Sanctuary Act has been reauthorized six times, most recently in 2000. That was over seventeen years ago.

Today, we will hear from some of these user groups and communities about challenges and deficiencies in the designation and management of sanctuaries, and I know their expertise and experiences will help guide us to make sure, if we have any beneficial changes to the program, it includes more effective, efficient, and responsive ways in which to engage local communities who are impacted the most.

I want to recognize Senator Peters for his focus on this issue as well and recognize him for any opening statement he might have.

Senator Peters.

**STATEMENT OF HON. GARY PETERS,  
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Well, thank you, Mr. Chairman. Thank you for calling this hearing together, and I'd like to thank each of our witnesses for making the time to come before us today and testify. I know many of you had to travel a great distance to be here, and that effort is very much appreciated.

Sanctuaries are very dear and near to my heart as well as to Michigan's economy. I think we have a really good story to tell about the Thunder Bay Sanctuary in my state. In fact, I received a note from a fellow Michigander yesterday that I'd like to have entered into the record.

[The information referred to follows:]

FRIENDS OF THUNDER BAY NATIONAL MARINE SANCTUARY  
*Alpena, MI, July 10, 2017*

Hon. GARY PETERS,  
United States Senate,  
Washington, DC.

Dear Senator Peters,

I am writing to you in regard to Executive Order 13795, Section 4(b)—America First Offshore Energy. On behalf of the Friends of Thunder Bay National Marine Sanctuary (TBNMS), a nonprofit 501(c) 3 organization formed in 2010 by a group of local residents who strongly believe in the sanctuary's mission, we ask for your support. With the sanctuary headquarters located in Alpena, Michigan, I cannot tell you how many times I have heard local residents and business leaders say, "The sanctuary is the best thing that's ever happened to northeast Michigan."

In addition to fostering awareness and stewardship of one of the world's largest bodies of fresh water, the sanctuary has had a remarkable impact on boosting tourism and the local economy. Just yesterday evening a new hotel across the Thunder Bay River from the NOAA Alpena headquarters and Great Lakes Maritime Heritage Center had its ribbon cutting, and another hotel is in the works just down the road.

Nearly 80,000 people visit the Great Lakes Maritime Heritage Center a year. On average, 10,000 purchase tickets to explore the shipwrecks aboard the *Lady Michigan*, a glass-bottom boat that seats up to 100 passengers per cruise.

That does not include the number of boat cruises that are dedicated to education. More than 6,000 school children come to the center each year to experience what it's like to be in the middle of a Great Lake and explore shipwrecks in the deep waters below them. They learn about the Great Lakes watershed, ecology, and how the maritime industry continues to shape the region.

An Alpena High School teacher created an ecology class called "Shipwreck Alley." An elementary teacher was recognized as the "2017 Michigan Science Teacher of the Year." His students participate in TBNMS underwater robotics and micro-plastics programs, spending class time in the sanctuary's makerspace and aboard the glass-bottom boat. Alpena Community College now offers a Marine Technology degree program that works in close collaboration with the TBNMS professional divers and marine archaeologists. In fact, two graduates of this program now work for the sanctuary and other graduates are in high demand in the private sector.

The long-term success and expansion of TBNMS has generated substantial interest in the region as a recreational and research destination point, helping to diversify the local economy and spur new investment in the area. From national research entities like the American Association of Underwater Sciences hosting its annual conference in Alpena this September and the Michigan State Parks expanding and improving adjacent park and boating facilities, to the growth in lodging, restaurants and recreational businesses that include cycling, paddling and diving, there is no doubt that the sanctuary is making a significant impact on the quality of life and sustainability of the region.

To turn back the clock on this progress and the local residents, businesses, and educational institutions who have given so much of themselves to promote the assets of the sanctuary would be a detrimental blow to the region. The Friends of Thunder Bay National Marine Sanctuary wholeheartedly asks for your support in

ensuring the sanctuary retains its current designation and continues to thrive as a national treasure.

Most sincerely,

CHARLES N. WIESEN,  
*Board President.*

Senator PETERS. His name is Steven Kroll. He runs a charter operation out of Rogers City, Michigan, and he urges in the letter for us to maintain the expansion of the Thunder Bay National Marine Sanctuary. In fact, in that letter, he writes, and I quote, "There has been a steady increase in our area of new businesses. Even where I live, 40 miles north of Alpena in the expanded area, empty storefront buildings are being occupied with new businesses, and we are seeing growth again."

The economic boom has been tremendous in my state. In 2005, even before there was an expansion of the sanctuary, counties surrounding the old boundaries of the sanctuary garnered \$100 million in sales related to Thunder Bay. This generated \$39 million in personal income to residents and about 1,700 jobs.

Last year, I had the great pleasure to scuba dive on Shipwreck Alley, which is in Thunder Bay Sanctuary, and the cold, clear, fresh water preserves these shipwrecks dating back to the 19th century in basically pristine condition. There's nothing like getting up close to them, and it's an experience that once somebody has that opportunity will never forget. In fact, the one ship I dove on, as we were approaching it, you couldn't see it, and then it came into your view, and it was like a ghost ship that had just dropped on the bottom of the lake. It was a miraculous vision to see.

But you don't have to be a certified diver to see firsthand these incredible pieces of American history. We have glass bottom boats that allow you to stay dry but still have a close-up view of these beautiful national treasures, some of which are only a few feet underneath the surface.

This trove of artifacts has formed the basis for developing world-class, historical, and archeological research programs centered around the sanctuary. In addition to the jobs and dollars infused into the local economy, Thunder Bay serves as an educational and historical treasure that preserves 110 known shipwrecks that document over 200 years of maritime history. Thunder Bay has been so successful, I'm happy to say, that now our neighbors in Wisconsin want a sanctuary of their own, and they have been working the grass roots process to make that a reality.

But I will say it always wasn't this way. Back in 1997, the City of Alpena, in fact, actually passed a referendum opposing the sanctuary, and true to the construct and intent of the Sanctuaries Act, NOAA did not force the sanctuary on the locals. Instead, NOAA, the state, the City of Alpena, and the Sanctuary Advisory Council came to the negotiating table, and they worked for 3 years to find consensus before moving forward. NOAA made changes to the regulations for Thunder Bay to make them more consistent with existing state laws.

Then Secretary of Commerce Bill Daley was quoted as saying, and I quote, "The sanctuary will only succeed with the support of the state and the local community." I think Secretary Daley was right, and since the 2000 designation of Thunder Bay, it has be-



come, without question, one of the crown jewels of Michigan's tourism industry today.

So I'm looking forward to hearing the testimony today. We have witnesses, like Captain Hickman, who are going through the arduous process that it takes to get it right when it comes to managing sanctuaries in a way that has community support. We have before us stakeholders, like Captain O'Brien and Mr. Weiss, who have concerns about possible new designations, and we have before us Admiral Lautenbacher, who has seen the diversity of the 13 sanctuaries that protect right now roughly about 1 percent of U.S. ocean waters.

If sanctuaries are not the right fit, I want to go on the record—if they're not the right fit in other places, we would like to have them in the Great Lakes. So we will take those sanctuaries as much as we can in my area. And in the same vein, the Committee has received also numerous letters of support for today's hearing from community leaders of a variety of sanctuaries all across the country, and I would ask, Mr. Chairman, that those letters could be entered into the record as well as Mr. Kroll's letter that I referenced.

Senator SULLIVAN. Without objection.

Senator PETERS. Thank you, Mr. Chairman, and I'll turn this back to the Chairman and look forward to the testimony of our witnesses.

Senator SULLIVAN. Well, thank you, Senator Peters.

I want to again thank the witnesses. I also want to give you a context of what's going on with healthcare and marking up a number of bills on Armed Services. I can guarantee there's a lot of member interest in this topic. Hopefully, we're going to have other members here. There's just a lot going on in the Senate this morning, and so there's, hopefully, going to be a little bit of in and out. But that does not take away from our appreciation for the witnesses here, many of whom, I think it's safe to say, traveled not just hours but, in some cases, days to get here.

We have Mr. Ernest Weiss, the Natural Resources Director from the Aleutians East Borough in the great state of Alaska, one of my constituents. He has an excellent background of providing the residents of the borough—which, hopefully, Mr. Weiss will describe in a little bit more detail, because it's quite a unique place in America—with representation of various fisheries, advisory and management bodies, and he assists in the development and implementation of scientific efforts and regulations and is, importantly and currently, a member of the Advisory Panel on the North Pacific Fisheries Management Council.

Mr. Weiss, welcome.

We also have Captain Scott Hickman, who is the Owner of Circle H Outfitters in Galveston, Texas, and a recipient of the National Marine Sanctuary Foundation Volunteer of the Year Award; Captain Jeremiah O'Brien, the past President of Morro Bay Commercial Fishermen's Association; and Vice Admiral Conrad Lautenbacher, who was the previous NOAA Administrator from 2001 through 2008. So we have a very distinguished panel. I again want to welcome them.

You will each have 5 minutes to deliver an oral opening statement, and a longer written statement, if you so choose, will be included for the record.

Why don't we begin, sir, with you, Mr. Weiss?

**STATEMENT OF ERNEST WEISS, NATURAL RESOURCES  
DIRECTOR, ALEUTIANS EAST BOROUGH**

Mr. WEISS. Chairman Sullivan, Ranking Member Peters, thank you for the opportunity.

I work for the Aleutians East Borough, which is on the Alaska Peninsula and encompasses also the easternmost Aleutian Islands. Our southern coast opens to the Western Gulf of Alaska, and our northern shores on the Bristol Bay and the Bering Sea. Our six communities are dependent on access to the abundant marine resources. There are no roads connecting our communities to the rest of Alaska. All travel is by air or by sea.

Our local fishermen work on these waters nearly all year round. Right now, they're fishing for salmon, but later on, they'll fish for cod, halibut, crab, and pollock. Our borough fishermen are regulars now at the management processes at the Alaska Board of Fisheries for state waters fisheries and the North Pacific Management Council for Fisheries in Federal waters. Both of these management bodies use excellent scientific methods and a rigorous public process.

The North Pacific Council uses ecosystem-based management and has put in place substantial marine protections in Alaskan waters. Over 95 percent of the Aleutians Islands Management Area is closed to bottom troll to minimize impacts to the bottom and the essential fish habitat. Sea line protections are in place in the Arctic. Nearly 150,000 square nautical miles are closed to all fishing until there's better scientific data available. There's closures to bottom contact gear in place to protect coral gardens and other closures to troll and bottom troll to protect crab and rockfish habitats. The council process in the North Pacific is working to protect our marine resources.

There are currently no National Marine Sanctuaries in Alaska, but in 2014, the nomination process was reestablished, and that process mandates community-based development of a nomination, and that's great. Any nomination should start with the local community, but the final rule states that communities in this context are defined as a collection of interested individuals or groups. We believe that communities that are adjacent to a proposed sanctuary with the potential to be the most impacted should be the drivers of any new sanctuary nomination.

Aleutians East Borough got involved in this process in December 2014 when the group, Public Employees for Environmental Responsibility, or PEER, based in Washington, D.C., proposed the Aleutians Island National Marine Sanctuary, a massive 554,000 nautical square miles, an area larger than the land mass of the state of Alaska. It would have encompassed all the Aleutian, Pribilof, and Shumagin Islands, all Bristol Bay, and most of the Alaska Peninsula, engulfing our entire region.

When the proposal was made public, letters and resolutions in opposition to the proposed sanctuary came pouring in from local tribes, communities, and other groups. I'm not aware of any local

support for the PEER proposal. In the end, the process worked, and in January 2015, NOAA deemed the Aleutians Island's proposal not sufficient.

In October of last year, 2016, a much smaller sanctuary, less than 3,000 square nautical miles, was proposed by the City of St. George. The proposed St. George Unangan Heritage National Marine Sanctuary would create a sanctuary 30 miles seaward from the island of St. George on the Pribilof Islands except toward their neighboring island of St. Paul to the north where the boundary would only extend 20 miles, and there would be a buffer zone around the St. George harbor to allow for development there.

But besides the City of St. George, other local entities had mixed reactions, including opposition, to that proposed sanctuary. So in January of this year, NOAA added the St. George Sanctuary to the inventory of nominations for consideration, and the City of St. George has been outreaching to other community members to say that a St. George Sanctuary would not negatively impact the harbor expansion or local fisheries.

The process to nominate National Marine Sanctuaries is a public process that necessarily includes local stakeholders, and that's a good thing. However, the process would be strengthened by requiring initial involvement in proposal submission by local community groups that would be most impacted. Regional Fishery Management Councils must be consulted prior to designation, but in the North Pacific, the Council is already the right management authority, doing the work, supported by communities, protecting the marine environment, while providing research and educational opportunities.

Thanks for your consideration. I'll be happy to answer any questions.

[The prepared statement of Mr. Weiss follows:]

PREPARED STATEMENT OF ERNEST WEISS, NATURAL RESOURCES DIRECTOR,  
ALEUTIANS EAST BOROUGH

Chairman Sullivan, Ranking Member, Members of the Subcommittee, thank you for the opportunity to participate in this hearing on Marine Sanctuaries: Fisheries, Access, the Environment and Maritime Heritage. For the record, my name is Ernest Weiss and I am employed as the Natural Resources Director for the Aleutians East Borough, in southwest Alaska. Our Borough rests on the Alaska Peninsula, the easternmost Aleutian Islands and the Shumagin Islands. Our southern coast opens to the western Gulf of Alaska, and our northern shore is on Bristol Bay and the Bering Sea. Our six communities of King Cove, Cold Bay, Sand Point, Akutan, False Pass and Nelson Lagoon are dependent on access to the abundant marine resources, including subsistence and commercial fishing, and our native Aleut people claim good stewardship of this region for thousands of years. There are roads in our communities, but there are no roads connecting our communities to each other or to the rest of Alaska. All travel is by air or by sea.

Our local fishermen work on these waters nearly all year round. Right now the emphasis is on sockeye salmon, and later pink salmon along with other salmon will hopefully fill the nets. But over the year the local fleet will gear up for cod, halibut, crab, pollock and whatever other fishery presents itself. These local fishermen and other boats that deliver to our shore-based fish processing plants support state and local taxes and keep the local economies moving. The local people, dependent on these waters for generations, have become regular participants in the fishery management processes—the Alaska Board of Fisheries meetings for State-waters fisheries and the North Pacific Fishery Management Council meetings for fisheries in the exclusive economic zone (EEZ) off the State of Alaska. Both of these management bodies utilize a rigorous science-based approach, with ample opportunities for public input.

The North Pacific Fishery Management Council (NPFMC) does an excellent job of protecting our fisheries and marine environment using an ecosystem based management approach. Working with the National Marine Fisheries Service (NMFS), the Council has put in place substantial protections in the waters off Alaska that provide over half of the Nation's seafood products. Over 95 percent (277,100 nm<sup>2</sup>) of the Aleutian Islands Management Area is closed to bottom trawl to minimize impacts on the benthic environment and essential fish habitat. Steller sea lion protection measures prohibit trawling in some areas and all marine traffic in other areas. In the Arctic, 148,393 nm<sup>2</sup> in the Chukchi and Beaufort Sea are closed to all fishing, at least until better scientific data is available. There are closures to all bottom contact gear in place to protect coral gardens and other closures to trawl and bottom trawl gear to protect crab and rockfish habitat. The dynamic Council process in the North Pacific is working to great success.

There are currently no National Marine Sanctuaries in Alaska, nor, I would argue, any need for Sanctuaries, based on the work of NMFS and the NPFMC. However, the final rule published in the Federal Register on June 13, 2014 to re-establish the Sanctuary Nomination Process opened the door for new sanctuary nominations. In theory, the Sanctuary Nomination process seems logical. The nomination process mandates the "community-based development of a nomination", and we support that concept—that any nomination should start with the local community. However, we feel there is a problem with the Sanctuary Nomination process definition of a "community". The Final Rule states:

"Communities may submit applications to have NOAA consider nominations of areas of the marine and Great Lakes environments as national marine sanctuaries. *Communities, in this context, are defined as a collection of interested individuals or groups (e.g., a friends of group, a chamber of commerce); local, tribal, state, or national agencies; elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association).*"

In the Sanctuary Nomination Process, "communities" does not necessarily mean local communities. So anyone can nominate a National Marine Sanctuary, but we believe that *local communities* that are adjacent to the proposed sanctuary with the potential to be the most impacted should be the main drivers of any new sanctuary nomination or designation. The Aleutians East Borough got involved in the nomination process 6 months after the Final Rule was published, when in December 2014 a sanctuary was nominated that actually would have engulfed our entire region.

The Aleutian Island National Marine Sanctuary (AINMS) was proposed December 22, 2014 by Public Employees for Environmental Responsibility based in Washington, DC. This massive proposed sanctuary of 554,000 nm<sup>2</sup>, larger than the land mass of the State of Alaska, would have encompassed all of the Aleutian, Pribilof and Shumagin Islands, all of Bristol Bay and most of the Alaska Peninsula. The Aleutians East Borough was not contacted prior to the proposal, however the Qagan Tayagungin Tribe of Sand Point responded to a request for support by the Alaska Inter-Tribal Council, one week prior to the proposal submission, in staunch opposition. When the proposal was made public, letters and resolutions in opposition to the AINMS came pouring in from local groups and communities, including the King Cove Agdaagux Tribe, the City of Unalaska, the Marine Conservation Alliance, the Akutan Corporation, the City of Adak and the Aleutians East Borough.

The ridiculous overreach of the proposed sanctuary made it easy for groups to oppose, and in the end, the process worked. On January 23, 2015 the Office of Marine Sanctuaries responded that the AINMS proposal was "not sufficient". And the opposition continued to be heard. In March 2015 the Southwest Alaska Municipal Conference opposed the AINMS in SWAMC Resolution 15-02, and the 2015 Alaska Legislature passed Legislative Resolve 6, sponsored by the District 37 Representative Bryce Edgmon:

"BE IT RESOLVED that the Alaska State Legislature is vehemently opposed to the nomination by the Washington, D.C., based Public Employees for Environmental Responsibility, or any similar nomination, for the creation of an Aleutian Islands National Marine Sanctuary."

On October 1, 2016, a much smaller sanctuary, less than 3000 nm<sup>2</sup>, was proposed by the City of St George. The proposed St. George Unangan Heritage National Marine Sanctuary would create a sanctuary 30 miles seaward from the island of St. George, one of the Pribilof Islands, except towards St. Paul Island to the north, where the boundary would only extend 20 miles. The proposed sanctuary would also

include a buffer zone around the St. George Harbor, to allow for development and commerce there.

Besides the City of St. George, other local entities have had mixed reactions to the proposed sanctuary around St. George. The St. George Traditional Council had neither supported nor opposed the proposal as of late last year. Other local groups have voiced opposition. The Aleutian Pribilof Island Community Development Association, the Community Development Quota (CDQ) group representing communities including St. George opposes the proposed sanctuary. Also the St. George Tanaq Corporation and the Aleutian Pribilof Islands Association both oppose the proposal. The Alaska Federation of Natives passed Resolution 16–23 at their October 2016 annual conference in more generic terms:

“NOW THEREFORE BE IT RESOLVED by the delegates of the 2016 AFN Annual Convention that AFN opposes the creation of any National Marine Sanctuary or Marine National Monument that jeopardizes the economic health and vitality of one or more rural communities reliant on commercial and/or subsistence fisheries in Alaska.

BE IT FURTHER RESOLVED that the delegates mandate tribal consultation and engagement with Alaska Native individuals and organizations that may be impacted prior to designating Marine National Monuments and Sanctuaries in Alaska.”

The Aleutians East Borough remains neutral to the proposed St. George sanctuary. And while it was submitted by a local group, it appears the proposed sanctuary is not supported by a majority of local residents in the region. On January 27, 2017 NOAA announced the addition of the St. George Unangan Heritage National Marine Sanctuary to the inventory of nominations for consideration. As part of an outreach effort at the 2017 SWAMC conference in March, William Douros, West Coast Regional Director of National Marine Sanctuaries, and Pat Pletnikoff, Mayor of City of St. George tried to assure members attending the Conference that a St. George Sanctuary would not negatively impact the harbor expansion or local fisheries.

The process to nominate and ultimately designate national marine sanctuaries is a public process that necessarily includes local stakeholders and the regional fishery management councils—that is a good thing. However, the process would be strengthened by requiring initial involvement in proposal submission by local community groups that would be most impacted, closest to the proposed sanctuary. Regional fishery management councils must be consulted prior to designation, but in the North Pacific, the local fishery management council is the right management authority in place, already doing the work of a sanctuary. The North Pacific Fishery Management Council is supported by the local communities, and the Council utilizes an effective ecosystem based process to protect and conserve the marine environment, while providing research and educational opportunities.

The Aleutians East Borough understands that National Marine Sanctuaries have National significance, not just of concern to local communities. But again, we believe the Council is the appropriate body in place to address not only the National significance criteria, but also any management considerations. We feel the waters of the North Pacific are already well protected, and we view future sanctuary designation protections as needlessly permanent and static, and potentially harmful to the local economies.

Thank you for your consideration. I am happy to answer any questions you may have.

Senator SULLIVAN. Thank you, Mr. Weiss.  
Mr. Hickman.

#### **STATEMENT OF CAPTAIN SCOTT HICKMAN, OWNER, CIRCLE H OUTFITTERS**

Mr. HICKMAN. Good morning. Mr. Chairman, Chairman Sullivan, Ranking Member Peters, thank you for having me here today, and members of the Committee.

I'm Captain Scott Hickman. I'm a 30-year professional fisherman in the Gulf of Mexico. I'm a volunteer—I started—I have the heart of a volunteer, started when I was 18 years old and I volunteered to serve my country in the Marine Corps. I sat on numerous advi-

sory panels for the Gulf Council, as well as serving on the Flower Garden Banks National Marine Sanctuary Council as the recreational seat.

For centuries, in the Gulf of Mexico——

Senator SULLIVAN. For the record, we have a couple of Marines on the dais here, so we're liking your testimony already.

Mr. HICKMAN. Semper Fi, sirs.

For centuries, in the U.S. Gulf of Mexico, thousands of men and women for countless generations have responsibly and sustainably accessed, while wisely harvesting, the bounty of both the Gulf's fisheries and our energy resources. Until just the last few years, the U.S. Government has practiced a proven and balanced multiple-use management policy for the America's people's resources in the Gulf of Mexico.

Today, there are thousands of fishermen and oil rig workers offshore in Gulf of Mexico carefully and safely working to simultaneously harvest a tiny portion of the resources while responsibly providing the protections necessary to assure there will be plenty of resources for tomorrow. The non-harvestable resources are equally important and must be protected from over-fishing and unfortunate oil spills seen in countries around this world.

Care comes in many forms, some from responsible regulations, but more from engaged stakeholders working to protect and responsibly manage resources in nationally significant places. That's why I volunteered and currently serve on the Council. Many other fishing industry leadership roles and members do these same tasks day to day and work hard for these sanctuaries.

We must select only places that are truly nationally significant to all of our folks in the United States. The Federal agencies charged with regulating and managing multi-use activities must be sensitive to the balance of protecting and enhancing American jobs in our coastal communities, just as much as protecting marine life from over-fishing and significant oil destruction.

The National Marine Sanctuaries program is a critical part of finding that balance, but only if the stakeholders in the Gulf of Mexico are part of this process. That is why the National Marine Sanctuaries law created advisory councils of broad stakeholder groups for each sanctuary. For the Flower Garden Banks National Marine Sanctuary, there are eight stakeholder groups represented on the Council, along with non-voting agency representatives, over 20 men and women that do an amazing job of educating and listening to one another to collaborate in developing solutions. Federal management in the Gulf of Mexico is so much better for the dedication and commitment of these SAC members.

In 2007, the SAC recommended a boundary expansion, now called Alternative 2, that is over 100 square miles smaller than the NOAA preferred Alternative Number 3 recommended today. The current SAC is working cooperatively to make an additional boundary expansion recommendation anticipated in 2017, this year. Sadly, we have been marginalized in the current process.

In February 2015, the NEPA process caused the Office of National Marine Sanctuary staff to go behind closed doors to develop the Draft Environmental Impact Statement and recommendations. This should be amended to have SAC members involved in the

DEIS process and development. The 2007 SAC recommended the addition of six banks with a slight alteration of the existing three, but staff's preferred alternative added six additional banks to the 2007 recommendation with more arbitrary boundaries encompassing twice as much area, leaving many areas off limits to fishing and drilling as it is proposed.

Interagency coordination for platforms to be reefed-in-place is consistently delayed, often over 2 years. When finally reefed-in-place, hopefully late this summer, High Island A-389 will be the first artificial reef in a National Marine Sanctuary. We are excited to see this platform become a success story in artificial reefing, home to many, many thousands of marine creatures. In my view, and recommended by the Gulf of Mexico Fishery Management Council, the areas known as BOEM No Activity Zones could be limits of any boundary.

Last, I hope you will study and embrace the SAC recommendations of 2007 and 2017 and, therefore, help us make the best decisions on this expansion when the Commerce Secretary makes his final formal recommendation to the Congress.

Thank you for inviting me to testify. This has been a true honor and a humbling experience to testify before this body of the Senate. It would be a great honor and privilege to answer any of your questions after my statement.

Thank you.

[The prepared statement of Mr. Hickman follows:]

PREPARED STATEMENT OF CAPTAIN SCOTT HICKMAN, OWNER, CIRCLE H OUTFITTERS

To the American Peoples' U.S. Senators,

I sit to serve my country here with this testimony from more than 30 years of professional fishing experience in the Gulf of Mexico (GOM).

For centuries in the U.S. GOM, thousands of men and women for countless generations have responsibly and sustainably accessed and wisely harvested the bounty of both the Gulf's fisheries and energy resources. Until just the last few years, the U.S. Government has practiced a balanced, wise, proven, and time-tested policy of "multiple use" management of the American people's resources on Federal lands in the GOM, for the benefit of all Americans and their generations to come. Today, should be no different, and as I speak, there are tens of thousands of fishermen and oil workers offshore in the GOM right now, carefully and safely working there to simultaneously harvest a truly tiny portion of the resource this very day, and to act responsibly to provide for the protection necessary to assure that there will be plenty of resources there tomorrow. The non-harvestable resources are equally important and must certainly be protected from overfishing and oil spills, as is seen in other countries around the world.

Please understand that there are two critically important systems to balance in the GOM. First, is the ecologic system of vibrant, flourishing, and magnificent marine life. Second, of equal importance, is an economic system of vibrant, flourishing, and magnificent human life. These two major systems of natural and human activity are interlinked in a delicate balance, where each can benefit and grow from the other, if managed wisely. Care comes in many forms—some comes from responsible regulations, but more care comes from engaged stakeholders working to protect and responsibly manage resources and nationally significant places. That's why I volunteered and currently serve as an Advisory Council member as well as many other industry leadership and fishery management advisory roles.

#### **The National Marine Sanctuaries Program (NMSP)**

As I've come to learn about the National Marine Sanctuary Program by directly participating in it, I've realized that when created, it was different from what the word "sanctuary" says in the dictionary. I'm told that they wrestled with it, but could do no better, always concerned that it created the mindset of a marine exclusionary preserve. Rather than just creating and protecting a refuge area like a ma-

rine preserve, the program law calls for multiple use to the point where it says we shall “improve the conservation, understanding, management, and wise and sustainable use of marine resources”.

Fisheries can always be a sustainable use of marine resources, and when practiced as we do in the GOM, it assures that even more resources will be present in future times. Petroleum production is also sort of sustainable, in that its wise and safe production can pave the way for more discovery and development, as petroleum companies drill deeper and deeper into the earth for new deeper pools that we will need tomorrow. Simply put, we need more platforms for fish habitat, more habitat for marine life attached to each leg since each platform is a top-to-bottom food chain, and more petroleum providing American-sourced petroleum to our people and economy. That petroleum also displaces some of the 40+ tankers carrying foreign oil that constantly ship in and out of the GOM daily, mostly from Angola, Venezuela, and the Middle East, sending trillions of dollars out of America. and increasing the risk of collisions and very large tanker spills.

This program, as constituted under the NMSA, is supposed to embrace ALL users, and only restrict or exclude access in but a few nationally significant special places. If we allow primarily the ONMS staff to define “nationally significant”, or interpret the words in the NMSA to include more and larger areas of the GOM now and in the future, we have lost the balance that is so essential to the program. If areas around proposed sites are made too large, it will be extremely difficult for traditional users to function reasonably in such doubly-regulated areas—by both the sanctuary and their traditional regulators. It will be difficult because they first have to comply with the longstanding regulatory requirements of their own oversight agencies, and then the supremacy of the protectionist sanctuary regulations in new sanctuary designated areas. This is a formula for excessive time delays and even stalemates, because it puts marine scientists in superior charge of the economic activity of ever increasing areas of the GOM.

That's not good for all of us, whether they agree or not. What they tell me is that what they care about most is preserving most all marine life and their habitat (unless it is living on the legs of a petroleum platform—more about that later). More areas seem better to them, since many personally support Alternative 5 and even more than that, and so the danger is that the sanctuary program and its staff become the policeman of all multiple users in more and more areas in the future. There are over 20,000 seafloor anomalies identified by BOEM's interpretation of the oil industry's required submission of all its seismic data, acquired over half a century, most of which have never been ground-truthed. Most will be found to be carbonate substrate upon which some marine life lives, including black corals etc., and many others will be chemosynthetic communities attracted and sustained by all the natural oil seeps, and yes, others will be deepwater corals that grow prodigiously in many thousands of places in the GOM, including the deep legs of petroleum platforms on the deep shelf and beyond. HI-A-389 platform next to the FGBNMS has quite a few bushy colonies of common black coral on its 35 year old legs, beginning at about 350' down to the seafloor base at 400', as seen by a petroleum operator's ROV survey of its legs.

Regulation over users in most areas is far better directed by the agencies that were created and built to do just that. NMFS, BOEM, BSEE all have rigorous environmental regulations governing all these many areas. Industry must comply with those, but some “take” is allowed. It is likely that future regulations from the ONMS for many areas targeted for expansion now and in the future, will be more severe to the point of “no-take” areas. Then, an agency of marine scientists who have their own goals and believe their goals are superior to all other stakeholders in the GOM will be supremely restricting the activities approved by those same industry regulatory agencies. This is a formula for eventual shutdown of industry activities in the GOM, at least as far as where most of it would otherwise take place.

ONMS staff will argue that these current and future areas will take less than 1 percent of the surface area of the GOM, but the petroleum industry will counter argue that their activities take a similar surface area of less than 1 percent, and many are overlapping and aligned in the same place, because the seafloor structures that create the banks and carbonate substrate, often are directly related to the underground geology that traps the petroleum at those same locations. Fishing locations are the same way, we fish structure created by the underlying geology too, and if mapped out, would probably overlay the similar 1 percent of the GOM. So, we are all involved with these same areas of interest.

Simply put, if the Office of National Marine Sanctuaries (ONMS) seeks to override another agency, or ignore the needs of multiple use stakeholders and thus not work out differences and a compromise, then it becomes counter-productive to the future health and services of the GOM for everyone—nature and human alike. Collabora-



tion toward a common goal of multiple-use can and should be the mission, and not exclusionary protection of increasingly larger areas of the OCS and GOM.

So, how do we sort out these seemingly conflicting needs and viewpoints. Compromise must be achieved, and ONMS's belief of what is "nationally significant" is the big problem. For Sanctuary status, we must select only places that are truly nationally significant or "special" to all Americans, and not just places that marine scientists and their supporters feel are significant to them. If balance is ever lost tilting in one direction or the other, than all Americans suffer, not just the marine life or human life in and around the GOM. The Federal agencies charged with regulating and managing multiple-use activities have most always been sensitive to finding a balance of protecting and enhancing American jobs and coastal communities, just as much as protecting marine life from overfishing, oil spills, and sea bottom impact.

Broadly defining that definition, as they apparently did in the DEIS by saying so about Alternative # 5, and "marine preserving" billions of individual marine life and habitat in the GOM with preservationist sanctuary regulations and large boundaries, is excessive. Most areas of the GOM are neither nationally significant, nor worthy of the supreme level of protection envisioned by Congress when they wrote the NMSA, yet they have the authority to declare it so. Nowadays, they need only a President to ultimately agree with them. Theoretically, with an environmentally aggressive President in office someday, the entire OCS could be declared nationally significant under NMSA, and most all fishing and petroleum development so restricted, it might as well be banned. There are literally no checks and balances to prevent this, and the American peoples' representatives, our Congress, have only consultative rights, and not the right to approve or disapprove. That needs to change, as with the Antiquities Act too.

Last year, the Obama Administration used the Antiquities Act to create a 5,000+ sq mile marine national monument in very deepwater off Cape Cod, I'm told this was done to avoid the multi-year sanctuary review process and create it immediately, and to go forward without ONMS management. So, now it will be administered by the Fish & Wildlife Service at DOI, and yet, it's a marine sanctuary. I'm not going to comment on this decades-long debate, as to whether DOI or DOC should administer offshore resources alone, but this is very confusing and problematic for all the stakeholders on the OCS, especially if this is the future model.

#### **Boundary Expansion and the DEIS**

The 2007 SAC had recommended the addition of 6 bank area (9 total new banks) with slight alterations of the existing 3 banks; but, NMSP staff's Preferred Alternative (#3) added 6 additional banks in 3 new bank areas to the 2007 recommendation drawn. Those 3 new bank areas were drawn with much larger and more arbitrary boundaries. As a result, we found that many key national economic interest areas might not be drilled or even possibly fished someday, if left as large and as many as they proposed. Already, one petroleum company has relinquished a lease one of the new Alternative # 3 added areas, in reaction to last June's announcement arbitrarily including their entire lease, with more than half the sea bottom a mud flat, not nationally significant sea floor. They tell me that they believe it to contain a giant oilfield of over 100 million barrels of oil equivalent. Their geoscientists believe many of these bank-covered salt domes contain similar deep giant fields of petroleum yet to be drilled and discovered. Most of the 12-18 dome flanks have never been drilled below 10,000', yet new state-of-the art seismic technology is allowing companies to see more clearly down to 20-30,000', where apparently very giant potential may exist for our country.

The biggest problems derive from their desire to include deep flanks of the banks, in over 275' of water (below BOEM NAZ 85m cutoff), where BOEM for decades has prescribed as the depth needing protection from petroleum activities. The areas above that depth on the banks are known as "No Activity Zones" (NAZ). Now, NMSP wants to include much more than the BOEM NAZ areas by including broad flanks in the sanctuary expansion. With the often flattening of the elevation past this NAZ depth, it creates larger and larger areas to be included in their regulatory boundaries. It is a simple fact, that their regulation is now missioned to greatly restrict, and/or prohibit, economic activities in these larger bank areas, beyond the BOEM-BSEE NAZ areas, which is problematic for petroleum explorers and fisherman alike.

The DEIS is a massive document, with staff and many adjunct non-NMSP marine scientist researchers' wishes included therein. In fact, by the DEIS stating that these excessive Alternative 4 & 5 areas nationally significant, it is essentially now advocating for eventual NMSP protection, and thus against most economic stakeholder groups continuing to have traditional and normal access to nearly 50 sites

on both the shelf and slope offshore Louisiana, Texas, and MAFLA. This is an unacceptable escalation of marine preserve-style marine governance, and might have been prevented if the stakeholders had been involved with the formulation of the DEIS. Of course, they were not included due to NEPA.

Today's DEIS excessive Alternative 5 option, quickly becomes the next goal for the staff stakeholders, regardless of threats to livelihoods and multiple use needs of other stakeholders. It can be an ever escalating spiral, unless a narrowly strong "bulwark" definition of "national significance" is set in laws written by the peoples' Congress & President, and not the marine scientist stakeholder group. The NMSA wording needs more protection for economic interests in areas targeted by staff for future sanctuary designation. Their local budgets, projects, conference paper presentations, awards, professional standing, and even future promotions & compensation all seem enhanced by staff recommending ever increasing areas of heavily restricted or even closed marine preserve-like areas.

I'm old enough to remember that long before there was NMSA jurisdiction, and regulation from even the existing agencies that we have today, there were men and women throughout time that came together, much like we do on the SAC, and find common ground to solve the land access and land use challenges in the GOM before us. That is what we are all about—finding solutions where optimal results are produced for marine and human life together, because we are all linked together as one eco-system—both ecologic and economic.

Resource harvesting from the GOM should continue in almost all areas, but not in those that are truly nationally significant. Restraining the marine scientists' excessive boundary expansion and their likely near-impossible regulations to access these areas is essential to prevent growing environmental land access elimination for ALL the other multi-users across the GOM in the years ahead. Recreational and commercial fishing, petroleum development, and even shipping, can co-exist being regulated by their current Federal regulators, and not by the ONMS staff. Sanctuary areas need to be contained to only what is truly of "national significance", and not just wish lists from marine scientists. Sadly, NOAA states on page 3–12 of the DEIS "Both public scoping for this DEIS and NOAA's internal and cooperating agency consultations identified the included sites as nationally significant". Where will this end? Nearly 50 sites are supposedly nationally significant under Alternative #5. How many more thousands will meet such a low standard if a new greener Administration comes into office someday? If that day comes, will the GOM shelf and slope be accessible for petroleum development, fishing, shipping, and other common uses today? Most all areas of seafloor topography have benthic & pelagic marine life, fishing and underlying petroleum development potential, because the structures are caused by earth movements and natural features, which attract all.

Clearly, this broken NEPA process that produced this one-sided DEIS, should be amended to at least have SAC members involved in future DEIS development as full partners with staff, and not let the taxpayer funded staff expend their staff time and resources without collaboration with all the other stakeholders than just themselves. NEPA gives the staff an unfair advantage in proffering their desires into one-sided taxpayer funded work and documents by excluding all SAC members and their stakeholder groups, and yet still including all other marine and even some non-marine scientists in primarily government and even academia. For stakeholders to produce an alternative DEIS document would take excessive time and funding on their own. Even now, the process of SAC involvement in the Final environmental Impact Statement (FEIS) is not clear. We seem to have no more "say" than the general public, since staff does not have to accept any of our recommendations at all. In the hands of an exclusionary, environmental-only focused future Administration, not even Congress could stop this expansion or any future expansions, under current law. This too needs to be amended in the NMSA. All future expansions of any kind must be approved by both the Senate and the House, and be signed into law by the President. Only then, will staff not be almost totally in control of future expansions, and the size and regulations of any new areas. It's almost a blank check for them to expand as they desire, without Congress's ability to stop it. With 14 Sanctuaries off all U.S. coasts, every future addition to any Sanctuary could be easily called simply an expansion, and not require House and Senate approval. Under the NMSA now, the House and Senate committees have only 45 days to advise the Administration. So-called "Administrative Expansion" and regular expansion should be required to go through the full House and Senate from now on.

Designating OCS lands as sanctuaries, with all the significant restrictions that typically then occur, could be as bad as the arbitrary designations of National Monuments under the Antiquities Act. Even the "Hutchinson Amendment" to the NMSA (Sec. 304 (f)—page 8) added in 2000, to put budgetary control on any future expansions, has not precluded the "Administrative Expansion" of very large areas

on the OCS during the recent Administration. How is that possible, when the Sanctuary budget hardly ever grows? Even in this DEIS, it declares no budgetary resources are needed for it to expand the 9–15 new banks it would add under Alt 2 or 3. It is hard to understand how this is possible, when they acknowledge that Alternative 4 & 5 would require more resources, but were included in the DEIS as alternatives because they are supposedly “nationally significant”. The Hutchinson Amendment to the 2000 revision may be causing them to state this, but is it really having the desired effect it was intended to do. I cannot answer that, because I was not part of its passage in 2000, but it was seemingly intended to restrict new sanctuaries and expansions until they have the budgets to pay for them, which it does not seem as though it achieved. The Sanctuary program does receive additional financial funding from the National Marine Sanctuary Foundation, which is often a designated recipient by U.S. courts that decide a marine law violator must pay fines, which sometimes go to the NMSF as recipient, who in turn contributes to ONMS projects of various kinds. Transfer of the resources to ONMS-involved projects somehow occurs, but the point is that there is supplemental funding assisting the ONMS to do items that might otherwise have been budget requests of Congress and the Administration.

Trying to get approvals on a timely basis from Sanctuary staff and Corp of Engineers staff for the current project to reef-in-place the A-389 platform has been repeatedly delayed, now running over 2 years. The Rigs-to-Reefs program is floundering with industry non-participation, because the economic incentives are destroyed by regulatory permitting delays and restrictions for reefing. Nearly 2,000 artificial reef platforms have been removed and destroyed in the last 25 years, and the loss of marine habitat is monumental and is actually horrific. Billions of living marine creatures living on the removed platforms were lifted to the surface on barges and taken ashore to scrap yards left to die out of water in the on land. The bureaucracy of the R2R program needs to change, lest we lose nearly all remaining 2,100+ producing petroleum platforms similarly to the scrap yard. We need the continued multiple use of these impressive marine habitat areas now, more than ever. After years of permitting delays, we are just now seeing the potential decommissioning of a petroleum platform near the East Flower Garden Bank, within the sanctuary. It stands as a testament to every platform in the GOM, as tremendous marine life habitat, of all kinds. When finally reefed-in-place, hopefully late this summer, it will be the first artificial reef in a national marine sanctuary. We are excited to see the HI-A-389 platform become a reef-in-place artificial reef, home to many thousands of marine creatures. However, it may be the last ever. More on that in a moment.

Petroleum leasing of all sanctuary designated areas must continue to be allowed as well; since as the salt domes push up thru the earth, they trap petroleum reserves at high angles on their flanks. Sometimes, like a donut around a donut hole, billion and billions of gallons in size. Considering the U.S. consumes 840 million gallons of oil per day, and thus about 300 billion gallons per year, with the rest of the world consuming 4.5 times that or 1.3 trillion gallons of crude oil per year, we might want to preserve drilling access to all these GOM areas basin wide, so as to provide American-sourced petroleum to our people and our economy. Especially if these banks are 12–18 of the hundreds of banks and commonly black coral ridges seen in the ever increasing deeper water to the south. We don’t want to set precedents for exclusionary policies and regulations here, that a future enviro-extreme Administration might try and extend to this bountiful multiple resource area of the GOM. Certainly, there are many extremists in the environmental movement that want to stop fishing and petroleum production in the GOM, but the American people don’t want their GOM turned into the private aquarium of government, academia, and open just to marine science researchers. That wouldn’t be prudent, as one President used to say.

#### **Critical Definition of National Significance**

Clearly, much of today’s debate hinges on what is truly “nationally significant”, as stated in the NMSA by Congress, as the main criteria to be considered for National Marine Sanctuary designation. Now consider, the inferred definition there is ill-defined at best. Certainly a typically environmentalist definition would include every living marine creature in the GOM, but if that is the definition, then we would turn the GOM into a limited-human access environmental aquarium, where humans might visit but never access any land or water for any length of time.

A more reasoned and balanced definition would indeed take into account all the “natural resources” *i.e.*, coral, oil, gas, fish, birds, plankton, algae, chemosynthetic communities, etc., *BUT equally, their “socioeconomic importance”*. This is where the rubber hits the road, so to speak, and what just does not compute with the marine

science researchers. With their government paychecks and pensions, they are more insulated from the need to make a living, and certainly as a fisherman, petroleum developers. And shipping company. It is one thing to preserve, protect, and defend every marine and non-marine creature in or on the GOM, when there are trillions of individual creatures there. Commonality is a perspective that is too often lost on those that fight to protect just the marine environment. No one, especially the fishermen and oilmen that I know, want to plunder and spoil the natural environment of the GOM. In fact, many of us also want to both protect and improve on what God has provided, by wisely managing the resources sustainably. Excluding the multiple users of the GOM goes too far.

Keep in mind, the GOM is constantly evolving and changing throughout time. You can never keep it the way it is today. Mother Nature above all else, won't allow it. My geologist friends often remind me that sea level was 300 feet lower than today just about 10–15,000 years ago. Massive glacial ice sheets were as far south as Kentucky, and these 150'–350' deep banks 100 miles offshore today were shallow islands just offshore of the coastline at the time of their flourishing growth, now most all drowned by real rising sea level of hundreds of feet. Some kept up with the massive rise in sea-level for a while, and are between 150–250' deep today, but only the two Flower Garden Banks at 65' today, rose fast enough to keep a great big coral colony on the 200+ acre coral cap. Now that's climate change in a natural way.

So in the end, what should we decide is nationally significant? It is easy for environmentalists to say that every coral colony, chemosynthetic community, and carbonate substrate on the bottom is precious and should be protected. Interestingly, the chemosynthetic communities feed on the massive natural oil seeps of the GOM, which according to the National Academy of Science 2003 report, I'm told they produce from 84,000–420,000 gallons per day, which is about 5–20 percent of the BP blowout every day. That's why the chemosynthetic communities exist and are there.

The National Academy of Science published that lower estimate in 2003, that roughly the many hundreds of natural oil seeps just south of these banks. In fact, during the past 50 years, the oil industry has submitted over 250,000 sq km of seismic data to BOEM. BOEM's geophysicist teams have performed an invaluable seafloor seismic interpretation of all that industry seismic data, showing most of the possible carbonate substrate, coral areas, and chemosynthetic community areas on the seafloor in the GOM. In the areas just south of these banks on the 100 mile north-south long slope, where most deepwater drilling is taking place today, they have mapped nearly 20,000 probable individual sites of deepwater carbonate substrate, black or white (lophelia) coral and chemosynthetic communities, where marine life flourishes, including around all the hundreds of natural oil seeps.

Are all of these marine life occurrences of national significance, deserving sanctuary protection today or in the future? Policies and criteria determined to draw expansion lines and regulations today for the 12 or 18 drowned coral banks proposed in Alt 2–3 of the DEIS, will set precedent for future expansion to possibly include some more of the those 20,000 seafloor seismic anomalies, that are undoubtedly carbonate substrate, coral and carbonate-oil seep communities. So which of these 20,000 deserve exclusionary protection from man harvesting of natural resources—both fishing and petroleum, around them? Or, can fishing and petroleum resources be harvested without much damage to the environment? BOEM, BSEE, and NMFS obviously believe they can handle the regulatory job of environmental protection without eventual ONMS designations of all these areas.

Of course, they can. That is why the exclusionary Sanctuary designation is only necessary for the most unique and endangered resource areas. For what is truly nationally significant! We have many laws (ESA) to protect those endangered of extinction already too, but we must not misuse the NMSA and its nationally significant designation to close large areas of land that have marine creatures by the millions and perhaps some have billions spread across the GOM. Sanctuary designation should be special and unique, not broadly brushed or spread widely, especially in the GOM where humans need its sustenance resources of fish and petroleum.

With the current moratoriums on petroleum drilling everywhere else around 90 percent of the U.S. continental shelf, and this area being the most prolific of them all, producing about 25 percent of U.S. oil production and 10+ percent of U.S. gas production, we must find a better balance than this DEIS, only protecting what is truly unique by placing it in a sanctuary. That does not include all marine life that are found broadly and commonly in the GOM. It defeats the purpose of having a marine sanctuary program, as if every tract of onshore land was worthy of being a national park, because wildlife life lives on it. Sanctuary management is a severe and restrictive regulatory regime, no matter what the ONMS staff may suggest.

They are marine biologists first, and have little interest patience in regulating and permitting fishing and petroleum.

#### **HI-A-389 Petroleum Platform Reef-in-Place (The First (and maybe last) in a Sanctuary)**

Today, after years of planning and permitting delays, we are only just now seeing the potential decommissioning of a petroleum platform just 8,000' away from the coral cap of the East Flower Garden Bank, within the FGBNMS. Set down on the seafloor in 1981, 10 years before the Sanctuary was designated, it stands as a testament to every platform in the GOM, as tremendous marine life habitat, of all kinds. When finally reefed-in-place later this summer, if the FGBNMS and BSEE can finally finish their paperwork, it will be a first—a magnificent artificial reef in a national marine sanctuary. Sadly, some in NOAA and its ONMS already look negatively upon this spectacular 65'-400' reef, because it is man-made and not natural. They would prefer it not be allowed to stay in the Sanctuary, and some even would prefer that all the marine life built up over 35 years on its legs be destroyed in a scrap yard onshore, because it is not worthy enough to live, having been born and/or made this platform their home. And they call themselves environmentalists, conservationists, and protectors of marine life. It makes no sense when they talk like that. It shows a complete bias and lack of objectivity, and despite their opposition, most of us on the SAC are excited to see the HI-A-389 platform finally become a reef-in-place petroleum platform artificial reef, home to many thousands of marine creatures. What a great manmade success story supporting a growing and healthy marine ecosystem. A true giant vector of marine life, and not just a few invasive species. Once again, balance has been achieved by sound minds collaborating between all stakeholders, even the somewhat reluctant staff.

With 2,100+ petroleum platforms of 4 legs or larger still remaining in the GOM forming their own artificial reefs with amazing and highly prolific fish habitat, let alone producing American petroleum for Americans to consume, I am a strong advocate for creating more fish habitat platforms like these, by drilling for new oil & gas. My geologist friends tell me that these areas under consideration for boundary expansion are all major salt domes under the drowned banks on the seafloor. Those salt domes, like all salt domes, are where giant fields of petroleum are found. Interestingly, most all of these considered for expansion have never been drilled below 10,000' and my they tell me that when drilled deeper to as deep as 30,000', new giant fields will inevitably be discovered around these banks, thanks to new seismic and drilling technology. So, in addition to new fish habitat being created when a new platform goes in after a discovery well is drilled, trillions of gallons of American oil & gas will likely be found around these domes, displacing foreign oil tankers in the GOM, as new seismic technology developed only recently, shows them where to drill. This is where the boundary line criteria really gets critical. BSEE already has reasonable bank areas over these bank-domes prohibited from drilling. These areas are truly the marine life concentrated areas down to almost 300' of water depth, that could be included in any sanctuary designation. The oil industry is not allowed by BOEM to drill in these areas now and we fisherman are already regulated in those areas by NMFS.

#### **No Activity Zones (NAZ)**

In my view, and the view of many fisherman and oil industry people, those areas, known as BOEM-BSEE's "No Activity Zones" (NAZs), could easily be the limits of any boundary expansion. Sure, there are probably many thousands of marine creatures farther down the flattening low sloping flanks of the bank-domes to the surrounding seafloor at 400+ feet, but because the slope quickly flattens from 300' to 400'+ feet, any sanctuary designation would take up twice or more as much land area, as just the BOEM-BSEE drilling prohibited NAZ areas.

My understanding is that new technologies of synthetic olefin-based more biodegradable drilling mud fluids, make the mud cuttings shunting requirements optimal to protect the areas in the adjoining NAZ zones, should any rig need to drill within 100 feet of the boundary. This is a dramatic improvement over the days of drilling mud clay plumes drifting suspended in the water column from the rig covering marine creatures with a light film below, out a thousand feet or so from the rig. Of course, the longstanding earth-mud cuttings shunting technique and regulations to shunt, greatly reduced volumes of earth-mud cuttings in the water column, and will continue to be applied to minimize and/or prevent most any negative effect within the NAZ's. Fishing and petroleum development can easily continue to co-exist with the marine life on and surrounding these banks, and leasing must continue so limited directional drilling can be applied, when necessary.

As to how we got to where we are today, with conflicting and polarized viewpoints on what to do for expansion? Clearly, the NEPA process that brought us to this point is broken in two ways. First, it is broken by not including the SAC in the process of preparing the DEIS, while staff called many university and government marine scientist around the GOM and invited their suggestions for areas to include in the sanctuary boundary expansion. That was NOT fair! It became a big academic and government wish list, with commercial stakeholders shut out. In fishing, we call that a “feeding frenzy”, which is why Alternative 5 ballooned to almost 50 sites over 935 sq miles, nearly 20 times the size of the current sanctuary, which is an excessive number, and especially from the original 2007 SAC recommendation of just 220 sq miles more than present 56 sq miles. Secondly, the NEPA process is additionally flawed because it encourages wild and expansive Alternatives to be published and targeted with extreme boundaries and sizes—whether adding 50 sites in one extreme in Alt 5, or no expansion in Alt 1. What real value is that—unless you want to create political pressure to go for it all or none at all. It runs contrary to finding compromise by creating an environment where polarizing extremists thrive, and discussions toward balance are definitely hurt. This NEPA process is every extremists’ dream policy, where every possible extreme proposal can get attention, consideration, and forced on traditional multiple use stakeholders. In a word, it “stinks”, like a box of spoiled fish, and needs to be thrown out. Please cut it back to no more than three alternatives with no more than say a 25 percent differential between all three. There need to be numerical sq. mile limits on expansion land increases, and most of all, true Congressional and Presidential approval before it can happen. This law needs to be changed, and changed asap, so these problems are not replicated in future sanctuary processes. The sanctuary program deserves better, the stakeholders deserve better, and the staff needs to be constrained so their needs are more appropriately included as just another stakeholder. Amending NEPA is where it begins, and now please.

#### **The Rigs to Reefs Program—Future Savior of the Sanctuary?**

Additionally, I would be remiss if I did not mention another immediate crisis to our fishing industry that the sanctuary program is sadly only slightly involved with (via that soon-to-be reefed-in-place HI-A-389 platform). There is a far greater problem growing daily on the GOM OCS, where current laws and regulations regarding petroleum platform decommissioning are inadequate. Long term, unless most of the remaining 2,100+ 4-legged (or larger) petroleum platforms are left in place, the heightened fishing pressure on all natural seafloor topography/habitat, including all the banks of the FGBNMS, and those in this expansion and future ones, will rise rapidly and significantly over time. In fact, it’s already taking place. Our SAC recently took public comment from fisherman based on the Mississippi River Delta, that they were now fishing 50 percent of their time on the far western banks proposed in this expansion. The reason—over the last 5 years, they’ve seen the removal of many of their prime fishing petroleum platforms off the Delta, as required of the petroleum companies under Federal platform decommissioning regulations. Thus, a new balance of regulation and facilitation on the Rigs-to-Reef (R2R) program must also be found, concurrently with what is nationally significant in the NMSP. We need these platforms as artificial reefs to remain in place for decades more, lest the Gulf become a barren mud flat again across its shelf, with marine life migrating to only the two dozen or so banks. We need an immediate declaration that all platform “jackets” in water depths greater than 85’, shall be allowed to remain in place when finished producing, with rapid permitting and approvals (which we do not have now). The Coast Guard should still require that they be cut off at 85’ for navigation protection, but no more platforms in more than 85’ of water should be removed. Not a single one, if possible please.

When these platforms are decommissioned to scrapyards onshore, the marine life is killed, only because they were born and lived on a petroleum platform. Where is the outrage all the marine scientists around the GOM? They simply don’t appear to care, since all the marine life lived on a manmade object. Is being politically correct more important than saving millions of precious marine creatures attached to the platforms, who simply call it their home? Recently, when asked by a petroleum industry (API) committee about this, a ONMS staff member stated that many marine scientists believe the platforms are nothing more than “vectors for invasive species”, and thus characterized them negatively. From this fishermen’s standpoint, they are “vectors of substantial fish and marine life habitat and economic necessity”, whose loss will damage the GOM fisheries immeasurably if removed.

Simply put, we need more decommission petroleum platforms to stay in place for fish habitat, thereby providing more habitat for all marine creatures on the GOM food chain. We have a crisis of historic proportions that NOAA and its ONMS and

NMFS are seemingly not interested in stopping. Every platform is a unique ecosystem in its own right like a neighborhood or city, a “Tower of Marine Life” and “Ocean Oasis” for millions of individual marine creatures. Most all of whom are destroyed when it is moved to shore or a designated centralized location near edge of the Louisiana shelf. The old Louisiana program to have the petroleum companies incur the removal and moving costs to move them to 8 deep shelf planning area sites all across the shelf at roughly 350’ of water depth kills almost all of the marine life moved there, that lived on the legs above that depth. It’s almost as bad as taking them to shore and scrapping them, except that new deep shelf pelagic fish do habitate there, and deepwater benthic platform-attaching creatures get a new home. Thankfully, Louisiana is now more supportive of Reefing-in-Place. Texas’s approach, by encouraging and allowing the reefing-in-place of the entire underwater platform jacket for many years (cut off 85’ below the surface for ship hull navigation avoidance), has produced many dozens of platform reefs-in-place. Ideally, the tower of total bottom-to-top life from 0–400+’ would be allowed to survive, but you’d need some insured entity to administer the quickly decaying surface platform structure, so it’s not practical to keep the above water portion, nor the jacket down to the 85’ depth for navigation clearance.

So, ideally, I would have hoped that the ONMS would have advocated and promoted the idea for the states and they to partner to preserve and maintain the underwater platform jackets after production has depleted, but they have never shown any real interest.

So, BSEE and BOEM and the Corps of engineers (COE) need to learn to move twice or three times as fast to approve them, since the current process of submission and multiple bureaucratic reviews for reef-in-place permits, quickly becomes uneconomic for petroleum companies to delay quicker removal. Every year of delay costs the companies over \$100,000 and more in operating costs, and subject to BSEE’s inspection “inks” that often cite them for not highly maintaining a platform. With no revenue from production anymore, just large maintenance costs are incurred while potentially waiting years for Rigs-to-Reef approvals.

Many fisherman agree with me that Rigs to Reef (R2R) of any kind should not take a day longer than permitting a platform for removal. You might even temporarily provide more incentive for the petroleum companies to hassle with the special paperwork and current delays for R2R until improved, by changing the 50–50 percent split on cost savings between the State and the Operator removing the platform for Reef-in-Place only. It should be raised temporarily to 66 percent operator–34 percent state, in order to help pay for the cost to maintain a non-revenue producing platform, until the permitting time can be made equivalent to removal. In short, we could save a tremendous amount of marine life habitat, if we simply managed the decommissioning of the platforms more wisely.

Sadly, without relief on the Decomm timing regulations, and the conversion of 95 percent of the 200+ Decomm platforms lost to the scrap yards every year, another 1,000 out of the 2,500 platforms will likely be gone over just the next 5–7 years. 1,000 were lost in the last 5 years (see BSEE table below). 15 years from now, 90 percent of all remaining today could potentially be gone, and the fishing pressure put on these 12–18 sanctuary banks in Alternatives 2–3 off the shelf will be tremendous. The potentially significant reduction of GOM pelagic fishing will be huge and potentially devastating to both the fishery and the fishermen. Please do something to protect these platforms from removal, whether the ONMS considers them unworthy of protection or not.

Here are the numbers per my SAC Chair’s queries of BSEE:

Year	Installed	Decommissioned	Standing
2012	10	286	2814
2013	17	223	2608
2014	21	203	2426
2015	4	128	2302
2016	2	189	2115

Per BSEE June 2017 communication e-mail (BSEE D. Peter to SAC Chair C. Moore).

Additionally, trying to get approvals on a timely basis from Sanctuary and Corp of Engineers marine science staff preparing the environmental assessments (EA) for the current reefing-in-place of the H1-A-389 platform has been repeatedly delayed by their painful slowness and mistakes, now running well over 2 years. The entire Rigs-to-Reef program is falling short with petroleum industry non-participation, because the economic incentives are limited and often even flipped negatively against donors by all the regulatory steps required to R2R a depleted field platform versus just removing it to the scrap yards onshore.

I cannot emphasize this enough—over 1,000 artificial reef platforms have been destroyed in the last 5 years alone, and the loss of marine habitat is horrible and bordering on highly destructive of the environment. Probably billions of living marine creatures living on the removed platforms were lifted up to the surface on barges, taken ashore to scrap yards, and left to die in the scrap yards.

In 1995, San Pedro California banned future scrapping operations of platforms in their harbor, because it took 3 months for the citywide stench from just three Chevron platforms removed there to decay and dissipate. The bureaucracy of the R2R program needs to change too, lest we lose most all remaining 2,100+ producing petroleum platforms to the scrap yard, because of more bureaucracy for R2R. If not abated, that will destroy more essential fish habitat (EFH), let alone millions of marine creatures that call those platforms home, that currently help sustain our current and future fisheries.

Again, I repeat, we've lost over 1,000 in the last 5 years, and 2,000 in the last 20 years, and we can't afford to lose the remaining 2,100 over the next 20 years, let alone another 1,000 in the next 5 years. Please do something about this marine life holocaust.

### **Finale**

As to the FGBNMS Boundary Expansion, we need the continued multiple use of these marine areas more than ever, not more marine protected reserves for the exclusionary use of government, academic, and enviro-ngo researchers. We have all survived and thrived together in these areas under existing regulation for decades, where 1) BSEE-BOEM regulates petroleum, 2) NMFS and its Gulf of Mexico Fisheries Management Council (GMFMC) regulates fisheries, and 3) NOAA et al's marine research continues just fine, without broad big areas of exclusionary marine research-only zones.

Congress can lead on this, as can the new Administration, by amending the National Marine Sanctuaries Act, the NEPA, and getting BSEE-BOEM-COE to encourage and quickly pre-permit all the platforms over 85' water depth as Reefs-in-Place opportunities. Most of all, we need clear direction from the new Congress and the new Administration, as to how they can grow the biomass of the GOM to a healthier level without roping off significant areas as marine sanctuaries. We must avoid the extreme endpoints and views, where nothing is protected or everything is protected. National Significance designation needs to be protected too—protected so it really means something and not just the desires of marine scientists (God bless them), who mean well but naturally tend to try and ignore the economic needs of their fellow Americans. All can flourish, and without over regulation. We can do this, if the new Congress and the new Administration first has the will, and then the skill and fortitude to rewrite and implement the laws above, and implement policy quickly. As we Marines love to say, *Semper Fi*! Let's be prepared to move forward with the right decisions that benefit the GOM and all of its future generations—both human and marine life. Move Forward Everyone!

Lastly, I hope you will study and embrace both the SAC recommendations of 2007 and 2018, and thereby help us help you make the best decisions on boundary expansion, when the President and his Commerce Secretary make his final formal recommendation to the Congress. We think our two recommendations, about 10 years apart, will be a more balanced and optimal solution than NOAA ONMS staff has proposed, and we're most of all, very proud of the way we arrived at it in 2007, and will arrive at it later this year—through collaboration, and consensus building among all stakeholders, who represent all the American people around the GOM.

Thank you so much for inviting me to testify in-person, and provide written testimony. This has been an honor and a humbling experience to testify before our U.S. Senate. It would be both a great honor and a privilege to answer any more of your questions.

Senator SULLIVAN. Thank you, Captain Hickman, and the Ranking Member, who is a Navy veteran, reminded me that the Marines are a part of the department of the Navy. So I'm just going to include that for the record here, trying to be bipartisan and show inter-service respect.

Our next witness is Captain O'Brien.

Sir, you have the floor.



**STATEMENT OF CAPTAIN JEREMIAH O'BRIEN,  
FORMER PRESIDENT, MORRO BAY COMMERCIAL  
FISHERMEN'S ASSOCIATION**

Mr. O'BRIEN. Well, I'm an Army man, so I'll probably only get 3 minutes.

[Laughter.]

Mr. O'BRIEN. Chairman Sullivan, members of the Subcommittee, thanks very much for the privilege of being here today.

My name is Jeremiah O'Brien. My home port is Morro Bay, California. I'm currently the Vice President of the Morro Bay Commercial Fishermen's Organization. I'm on the Board of Directors of the Morro Bay Community Fund, and I am a member of the Harbor Advisory Board in the City of Morro Bay, and also a 37-year commercial fisherman.

For the general public, who only see sanctuaries as helping to preserve ocean health, but who have little knowledge of sanctuary management actions, sanctuaries are a positive, and there is high support. To their credit, sanctuaries are good at inspiring care of the ocean, a worthwhile goal.

However, for those who are engaged directly with sanctuary managers over the resource management, sanctuaries have a mixed scorecard, at best. By their actions, sanctuaries have created a difficult relationship with recreational and commercial fishermen, in particular.

Difficulties arise from the lack of clarity between the Magnuson-Stevens Conservation and Fisheries Management Act and the National Marine Sanctuaries Act, both of which allow for the creation of fishing regulations. For sanctuaries, this power has emboldened them, particularly over habitat issues. For fishermen and fishery managers, the fact that sanctuaries can overrule the Regional Fishery Management Councils, with eight National Standards serving as the Council's guide, is disconcerting and not in the best interest of ocean health.

Sanctuaries, on the other hand, have weak science capabilities and a poor, self-serving public process. On what basis will a sanctuary overrule the science-based management of a Regional Management Council is a question that we always have. I hope that Congress will make it clear that the Magnuson-Stevens Act is the Nation's law for fisheries and habitat management.

Another major problem are the interpretations by sanctuary program leaders—and I'm going to throw this in off script—that I've heard testimony from various people who are having significant success with their sanctuaries, but that doesn't mean that each and every one carry the same management practices. So, in this case, we are not having success.

Another major problem are the interpretations by sanctuary program leaders of the terms, sanctuary and protection, interpreted to mean steadily limiting human uses of the marine resources. One only needs to look to the charter for the Sanctuaries' Advisory Councils, mandated for use by the Office of National Marine Sanctuaries, to see how the bent toward the preservation, not the conservation, of resources occurs.

The lean toward preservation directly caused the Monterey and Channel Islands National Marine Sanctuaries to lead efforts to cre-

ate no-fishing zones, when we were promised that wouldn't happen, taking the finest fishing grounds away from historic users. Sanctuary managers are so driven to limit human uses that they violated the principles of ecosystem-based management, as well as the Sanctuaries Act to provide for comprehensive and coordinated management. They ignored our safety at sea concerns, the effects of displacing fishing efforts, and they refused to consider other fishing and habitat regulations, as the no-fishing zones were proposed.

Fisheries in California are currently managed by the Pacific Fishery Management Council, the National Marine Fisheries Service, and for state fisheries, our Department of Fish and Wildlife. It seems that many NGOs, with their own agendas, already seek to go around our normal fisheries management, and if we add sanctuaries as yet another entity with regulatory powers to contend with, how will it be possible for us to do business or attract others into our business? So sanctuaries only bring their values to the table, and not science values.

In California we have four National Marine Sanctuaries, with two more being proposed. Despite their original Designation Documents, each one has areas closed to fishing because of sanctuary efforts. Commercial fishermen wonder, is it really the intention of Congress that over 12,000 square miles of the California coast, with another 5,000 proposed, be deemed of sanctuary importance? What is so special if everything on the coast is special?

Finally, there is the issue of trust. Sanctuary managers have cast aside the good will of the recreational and commercial fishing communities by violating the promises made to us by NOAA officials and elected leaders that sanctuaries will not threaten our livelihoods. Through years of cherry-picked science, a lack of transparency, and favoring a preservationist and inaccurate interpretation of the Sanctuaries Act, fishermen have rationally concluded that sanctuaries are not to be trusted.

Sanctuary management actions have economically harmed the commercial and sanctuary management actions have economically harmed the commercial and recreational fishing industries. In my home port area, the Monterey Bay National Marine Sanctuary led an effort that closed almost half of our best fishing grounds in state waters. This is why proposals for new or expanded sanctuaries are being vigorously opposed by fishermen and anglers. The actions of the sanctuaries are not helping U.S. Commerce Secretary Ross in meeting his goal of reducing the Nation's dependence on imported seafood.

Chairman Sullivan and members of the Subcommittee, my written testimony provides numerous examples of concerns I express here today. In addition to this testimony, I can make available to the Subcommittee documentation to support any and all of the events that I described.

Thank you for considering my experience with the National Marine Sanctuaries Program.

[The prepared statement of Mr. O'Brien follows:]

PREPARED STATEMENT OF JEREMIAH O'BRIEN, VICE PRESIDENT,  
MORRO BAY COMMERCIAL FISHERMEN'S ORGANIZATION

Chairman Sullivan and members of the Subcommittee,

My name is Jeremiah O'Brien, and my home port is Morro Bay, California. I am the Vice President of the Morro Bay Commercial Fishermen's Organization. I am on the Board of Directors of the Morro Bay Community Fund, and I am a member of the Harbor Advisory Board.

For the general public, who only see sanctuaries as helping to preserve ocean health, but who have little knowledge of sanctuary management actions, sanctuaries are a positive, and their support is high. To their credit, sanctuaries are good at inspiring care of the ocean, a worthwhile goal.

However, for those who are engaged directly with sanctuary managers over resource management, sanctuaries have a mixed scorecard, at best. By their actions Sanctuaries have created a difficult relationship with recreational and commercial fishermen, in particular.

Difficulties arise in part from a lack of clarity between the Magnuson-Stevens Conservation and Fisheries Management Act, and the National Marine Sanctuaries Act, both of which allow for the creation of fishing regulations. For sanctuaries, this power has emboldened them, particularly over habitat issues. For fishermen and fishery managers, the fact that sanctuaries can overrule the Regional Fishery Management Councils, with eight National Standards serving as the council's guide, is disconcerting, and not in the best interest of ocean health. Sanctuaries, on the other hand, have weak science capabilities, and a poor, self-serving public process. I wonder: On what basis will a sanctuary overrule the science-based management of a Regional Fisheries Council? I hope Congress will make it clear that the Magnuson-Stevens Act is the Nation's law for fisheries and habitat management.

Another major problem are the interpretations, by Sanctuary program leaders, of the terms "sanctuary" and "protection"—interpreted to mean: steadily limiting human uses of the marine resources. One only needs to look to the charter for the sanctuaries' Advisory Councils, mandated for use by the Office of National Marine Sanctuaries, to see how the bent towards the preservation—not conservation—of resources, occurs. This lean towards preservation directly caused the Monterey and Channel Islands National Marine Sanctuaries to lead efforts to create no-fishing zones, taking the finest fishing grounds away from historic users. Sanctuary managers are so driven to limit human uses that they violated the principles of ecosystem-based management, as well as the Sanctuaries Act mandate to provide for comprehensive and coordinated management. They ignored our safety at sea concerns, the effects of displacing fishing efforts, and they refused to consider other fishing and habitat regulations, as the no-fishing zones were proposed.

Fisheries in California currently are managed by the Pacific Fishery Management Council, the National Marine Fisheries Service, and for state fisheries, our Department of Fish and Wildlife. It seems that many NGOs, with their own agendas, go around our normal fisheries management to the state legislature. If we add sanctuaries as yet another entity with regulatory powers to contend with, how will it be possible to do business or attract others in such an uncertain business environment? Sanctuaries only bring their values to the table, and not science.

In California we have four national marine sanctuaries, with two more being proposed. Despite their original Designation Documents, each one has areas closed to fishing because of sanctuary efforts. Commercial fishermen wonder, is it really the intention of Congress that over 12,000 square miles of the California coast, with another 5,000 proposed, be deemed of national importance? Is there a sanctuary goal in California? If so, how many thousand miles more may we expect?

Finally, there is the trust issue. Sanctuary managers have cast aside the good will of the recreational and commercial fishing communities by violating the promises made to us by NOAA officials and elected leaders, that sanctuaries will not threaten our livelihoods. Through years of cherry-picked science, a lack of transparency, and favoring a preservationist (and inaccurate) interpretation of the Sanctuaries Act, fishermen have rationally concluded that sanctuaries are not to be trusted. Sanctuary management actions have economically harmed the commercial and recreational fishing industries. In my home-port area, the Monterey Sanctuary helped lead an effort that closed almost half of our best fishing areas in state waters. This is why proposals for new or expanded sanctuaries are being vigorously opposed by fishermen and anglers. The actions of the sanctuaries are not helping U.S. Commerce Secretary Ross in meeting his goal of reducing the Nation's dependence on imported seafood, which our industry whole heartedly supports.

Chairman Sullivan and members of the Subcommittee, my written testimony provides numerous examples of the concerns I express today. In addition to this written

testimony, I can make available to the Subcommittee documentation in support of the events I have described.

Thank you for considering my experiences with the National Marine Sanctuaries program.

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12-02-02 LETTER TO THE EDITOR OF THE TELEGRAM TRIBUNE

This was going to be a long letter but I have decided to shorten it, as there is only one important point to make here, the TRUTH.

There is a movement afoot to bring the Monterey Bay National Marine Sanctuary to this county. Proponents say that only we Commercial Fishermen are against it, when in reality the County Board of Supervisors are neutral with all board members except one voting that way. The Morro Bay City Council voted against The Monterey Bay National Marine Sanctuary unless we had local control. There is a letter out that even says the Cattlemen's Association is for it, at least alludes to that, so I called them and they said they are definitely against it.

All we would ask you when pondering this decision is to talk to the people North of us who are in positions that deal with the Sanctuary every day. The Monterey County Board of Supervisors, and the Harbor Departments in the affected areas. Just talk to the people living under the rule of the Federal Government who have lost local control, not only of their water but the land there also. Please talk to the people in authority there before making a decision you will not be able to change later. It is a simple way to the TRUTH.

Sincerely,

JEREMIAH O'BRIEN,  
MBCFO.

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*January 7, 2008*

PAUL MICHEL, Sanctuary Superintendent,  
Monterey Bay National Marine Sanctuary,  
Monterey, CA.

To Paul Michel,

The men and women of the Morro Bay Commercial Fishermen's Organization would like to enter this letter in opposition to any further expansion of Marine Protected Areas on the Central Coast of California. We here in Morro Bay assisted in designing areas of essential fish habitat located in Federal waters off of our coast. We did this willingly, and were generally satisfied, and were led to believe this EFH was satisfactory to everyone. We also participated in the Marine Life Protection Act, which created the current Marine Protected Areas on the Central Coast, and in this effort we came away very disappointed at the massive amount of disruption and loss to the fishing industry. Now we learn that the Monterey Bay National Marine Sanctuary is considering adding further closures from the Federal Government adjacent to those closed by the state. Without going into the particulars of whether or not this is against the MBNMS charter as to not interfering with fishery regulations we would just like to ask that those of you in the sanctuary consider the effects of the regulations, both state and federal, the closures of areas to the fishermen, both state and federal, that include the Rockcod Conservation Area, essential fish habitat areas, and those areas closed by the Marine Life Protection Act. After considering these closures and the regulations heaped upon the fishing community would you please then look at the landings in the Ports that make up Monterey Bay National Marine Sanctuary area and adjacent ports to include Morro Bay, Monterey, Santa Cruz, Moss Landing, and Half Moon Bay. Between the years of 1996 and 2006 the fish landings for the port of Morro Bay were 2,675 tons in 1996 and 434 tons in 2006; for Monterey 12,383 tons in 1996, 179 tons in 2006. The other ports suffered losses similar, some as great, and some not. But as you can see by these figures in these once productive fishing towns, what is left will not support any processing, or employment, or economic value to their communities. At what point will those people clamoring to close everything realize there is nothing left? For those of us in the fishing community who watch as our livelihoods are methodically drained away, and no effort is made to enhance or use those resources and fisheries that we have in such great abundance, but the environmental community today seems bent on insuring that all of America's seafood is harvested in an unsustainable fashion by unregulated fisheries of foreign countries. Every pound of seafood that is not harvested in the United States then comes from a country that has much less regulation as we are the most regulated fishermen in the world. It would seem that the

Federal Government in its management efforts would take more time to sit down with the fishermen, not only to assess what is wrong with the fisheries, but what is right and to put their energies into sustainable harvest of the abundant stocks rather than continuing to run more fishermen off of the ocean. Please consider the numbers from the cities of Morro Bay and Monterey, and try to imagine the economic effects on those cities and the amount of people without work. We have not heard of any scientific survey or study that would indicate any species that further closures would protect. Is there a study that indicates this need, and shouldn't this be the driving force in further closed areas? In conclusion, without this science, and looking at the poor economic situation that has already been developed, we believe any further Marine Protected Areas would jeopardize the fragile bit of fishing heritage that is left of the Central Coast of California.

Sincerely,

JEREMIAH O'BRIEN,  
*President,*

Morro Bay Commercial Fishermen's Organization.

Cc. Representative Lois Capps  
Mayor Janice Peters  
Steve Scheiblauber, Harbor Manager of Monterey Bay  
Rick Algert, Harbor Manager of Morro Bay

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MONTEREY BAY NATIONAL MARINE SANCTUARY  
*Monterey, CA, February 15, 2008*

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service

Dear Members of the Sanctuary Advisory Council:

SUBJECT: Concepts for Process for MPA Identification and Assessment

At the December 13 and 14 Sanctuary Advisory Council (SAC) meeting in Monterey, you provided your perspectives on the need for marine protected areas (MPAs) in Federal waters. That input was invaluable and I want to again thank you for your insights. Having found after careful consideration that there is a need for MPAs in Federal waters (see separate decision document), the MBNMS is now focused on the process ahead. At the December meeting, many of you also provided thoughts on how any process to move forward with MPAs should look. The attached draft list of concepts for a process builds upon what I heard from SAC members and can help define the road ahead. I would like to ask you to consider these concepts and provide preliminary input and advice at the February 15 meeting and, after a chance for further consideration, again at the April 18 meeting. In the meantime I will be meeting with NOAA Fisheries and the Pacific Fishery Management Council to receive their ideas and advice about the process for MPA identification and assessment and about how to best coordinate with them as well.

Our goal is to establish a process that builds on the hard work and time investment by the MPA working group over the last five years. Carrying on from this point with well defined parameters and timelines will help ensure that the continuing effort remains inclusive and deliberate, but is also targeted and efficient. Thank you and I look forward to your input.

Sincerely,

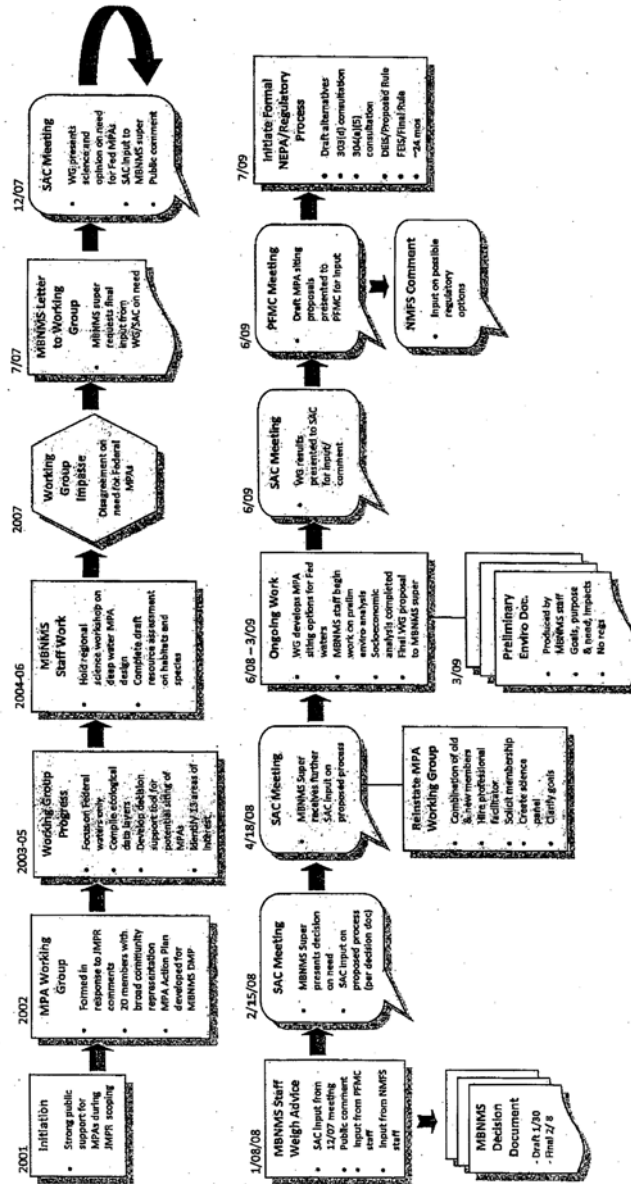
PAUL MICHEL,  
*Superintendent.*

CONCEPTS FOR A PROCESS TO MOVE AHEAD WITH MPAS IN THE  
MONTEREY BAY NATIONAL MARINE SANCTUARY

*The following concepts are draft and are put forward by the MBNMS for consideration and feedback from the Sanctuary Advisory Council:*

1. Over the last 5 years, much work has gone into the consideration of MPAs including the development of tools, products and goals. To the maximum extent possible, the process ahead should capitalize on this previous work
2. The membership of the MPA working group should remain approximately the same, although some adjustment to stakeholder representation may be warranted (*i.e.*, add groundfish representation)
3. Science members should remain involved but serve as subject matter experts, not as stakeholders. A separate but public science panel should be convened to evaluate eventual proposals
4. Working group meetings should be professionally facilitated
5. Working group and science panel meetings should be public and any products made publicly available
6. The MPA planning process should provide for appropriate PFMC input and coordination
7. There is a need for socioeconomic study to understand the impacts of Federal water MPAs
8. A starting point for discussions should be the Areas of Interest previously identified by the working group that are adjacent to MPAs in state waters
9. Adjacent State and Federal waters MPAs should generally have parallel regulations
10. Once the planning process begins, the working group will have approximately 6 meetings over 6 months to develop proposals to forward to the Sanctuary Advisory Council. The SAC will then provide it's advice to the MBNMS, and the MBNMS will consult with the PFMC regarding implementation
11. Any decision regarding how MPAs will be implemented under the NMSA, the MSA, or both will be made in the future in close coordination with NOAA Fisheries, and PFMC

# **DRAFT DECISION PROCESS AND TIMELINE for the MONTEREY BAY NMS CONSIDERATION OF MARINE PROTECTED AREAS**



MONTEREY BAY NATIONAL MARINE SANCTUARY  
*Monterey, CA, February 15, 2008*

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service

Dear Members of the MPA Working Group and Sanctuary Advisory Council,

As you know, the time has come for a decision on the need for marine protected areas (MPAs) in Federal waters of the Monterey Bay National Marine Sanctuary (MBNMS). I want to begin by thanking you for contributing your perspectives and knowledge to the consideration of this important issue. Your involvement over the last five years has been invaluable to increasing our understanding of the issue. The presentations and discussions we had at the December Advisory Council meeting were especially helpful and I commend you for your thoughtful input.

The National Marine Sanctuary Program (NMSP) has broad congressional direction to protect marine ecosystems. While the scope of this mandate allows for the management flexibility needed to protect dynamic sanctuary environments, charting the best course of action often takes time and patience. This is due to both the complexity of ocean issues and the NMSP's emphasis on extensive public input. In 2001, the MBNMS solicited this input from the public as part of a review and rewrite of its management plan. Over a five year period, the MBNMS received thousands of comments, held over a hundred meetings, and with the help of the SAC, identified 26 priority action areas that represent the future of Sanctuary management. Of these 26, the highest priority was the issue of marine protected areas in the Sanctuary. Given the complexity and diversity of opinions on this topic, the MBNMS convened a multi-stakeholder working group to develop a plan for evaluating the utility and potential siting of MPAs. As the State of California was re-focusing on MPAs in state waters through the Marine Life Protection Act, the MBNMS working group focused its attention on MPAs in the Sanctuary's Federal waters (beyond 3 miles).

Over the last five years MBNMS staff and the members of the MPA working group have compiled data layers, completed a resource assessment, conducted socio-economic studies, sponsored workshops, and developed a web-based decision support tool. However, while the working group was able to compile and consider all of this information, it was not able to agree on the fundamental question of whether there is a need for MPAs in Federal waters. It was the MBNMS's hope that consensus on the question of need could be reached, or that by focusing on specific areas, all sides might be able to live with particular MPA configurations. However, in the absence of consensus on this question it is the MBNMS's responsibility to consider the arguments on both sides and make a decision regarding whether to move forward with a process to propose new MPAs. To that end, in December 2007, the MPA working group members presented their arguments for and against Federal water MPAs to the Sanctuary Advisory Council, which in turn gave its advice to the MBNMS. Since then, we have received about twelve thousand comments on this issue and I have continued to meet with stakeholders and partners to explain the process and solicit input.

With the benefit of the community's advice, input from partner agencies, and the last six years of consideration, the MBNMS has concluded that there is a need for MPAs in the Federal waters of the Sanctuary. The following pages discuss the reasons in support of this decision.

**The Role of the National Marine Sanctuaries Act (NMSA)**

The NMSA is unique in that the primary purpose is to set aside nationally significant areas of the marine environment for their permanent protection and to provide comprehensive ecosystem management to achieve this goal. As such, the NMSA provides broad authority for management actions focused on the protection and conservation of the full spectrum of biological diversity at a sanctuary. It can also fill gaps in protection that other authorities, such as the Magnuson-Stevens Fishery Conservation Act (MSFCA), Marine Mammal Protection Act, or Endangered Species Act, are not able to address. Through the NMSA, Congress mandated that national marine sanctuaries be managed to maintain the habitats and ecological services of the natural assemblage of living resources that inhabit these nationally significant marine areas. Among the purposes and policies of the NMSA is provision of authority for comprehensive and coordinated management to maintain the natural biological communities and to protect, restore, and enhance natural habitats, populations, and ecological processes. In specifying the management of "natural biological communities," "natural assemblages of living resources," and "natural habitats," rather than focusing on species populations *per se*, Congress essentially mandated that na-



tional marine sanctuaries be managed to protect and conserve ecosystem structure and function.

#### **The Benefits of MPAs**

As has been described to the Advisory Council in the past, the MBNMS has used zoning, or spatial management, extensively since its designation in 1992. The MBNMS has zones where:

- A harmful human activity otherwise prohibited throughout the Sanctuary is allowed (motorized personal watercraft, harbor dredge disposal, jade collecting)
- A harmful human activity is specifically prohibited (shark chumming, low over-flights)

These areas have proven effective in the context of managing the Sanctuary ecosystem by restricting or otherwise managing human activities.

Scientific research has shown that carefully crafted MPAs can be effective tools for conserving the diversity of animals and plants, protecting habitats, and increasing both numbers and individual sizes of some species. Recent studies have shown that an MPA, in which the removal or alteration of marine life is prohibited or restricted, generally contains a greater abundance of species, higher diversity of species, and larger fish within its boundaries relative to similar habitats outside the protected area. These larger fish produce many more young than do smaller fish, and studies for some species have shown that their young are healthier and more likely to survive. MPAs have also been shown to be a useful tool for preventing, slowing, or reversing the degradation of ocean habitats and maintaining the diversity and abundance of species inhabiting them.

Ocean ecosystems worldwide are threatened because of pollution, overfishing, habitat destruction or coastal development. In response, many governments, scientists, conservation organizations, commercial groups and citizens are increasingly discussing the idea of establishing new, well-designed MPAs to complement existing ocean management strategies.

In the United States, both the U.S. Commission on Ocean Policy and Pew Oceans Commission recently declared that our oceans are in trouble, and are calling for MPAs to be used as a management tool to support the protection of ocean ecosystems.

#### **Existing Spatial Management Efforts in the MBNMS**

Interest in implementing a system of marine protected areas has increased in California too. In 1999, the Legislature and Governor approved the Marine Life Protection Act (MLPA) mandating the state to design and manage an improved network of marine protected areas in state waters to protect marine life and habitats, marine ecosystems, and marine natural heritage. Currently the California Resources Agency and California Department of Fish and Game are partnering with others to achieve the goals of the MLPA, with initial efforts focused on developing a MPA network for California's central coast region. In September 2007, after an intensive public processes in ocean governance, the first round of 29 new state MPAs (204 square miles) went into effect on the central coast. 27 of the 29 areas are within the MBNMS.

In the Federal waters of the Sanctuary, there are other spatial management measures in place that protect Sanctuary resources from extraction. For example, in 2002, as a means of protecting depleted groundfish species such as bocaccio and canary rockfishes, the Pacific Fishery Management Council and NOAA Fisheries imposed depth-based restrictions on the trawl and non-trawl groundfish fisheries termed Rockfish Conservation Areas (RCAs). Furthermore, in June of 2006, NOAA Fisheries published the final rule designating and protecting Essential Fish Habitat (EFH) for Pacific groundfish. The action closed large areas of the west coast, primarily to bottom trawling.

However, while the existing spatial management measures in state and Federal waters of the Sanctuary provide valuable protections from fishing impacts in certain habitats. Those habitats further offshore are either not adequately represented in existing MPAs, or not fully protected by the gear based restrictions associated with EFH or the temporary RCAs.

#### **The Need for MPAs in the MBNMS**

The MBNMS has three principal reasons for moving forward with MPAs in the Federal waters of the Sanctuary: (1) There is a need for areas where the natural ecosystem structure and function are restored and maintained; (2) there is a need for research areas to examine human impacts to the marine environment; and (3) there is a need to preserve some areas in their natural state for future generations.

Additional detail in support of these reasons is provided below. Further, the MBNMS, in consultation with NOAA Fisheries, will be releasing shortly an ecosystem analysis in support of this decision.

*1) There is a need for areas where the natural ecosystem structure and function is restored and maintained.*

The environmental condition of the Sanctuary is subject to major alterations that are largely due to the effects of human activities. Threats to Sanctuary resources, such as water quality or habitat complexity, fall into two general categories: (1) those that involve exploitation of resources above a certain level or threshold and (2) those that destroy or degrade marine habitats and their associated biological communities. Exploitation includes both directed harvest and incidental take of marine life. Threats to habitat include activities leading to physical alteration, various sources of pollution, coastal development, and introduction of alien species. Many of these threats are interrelated and have cumulative impacts.

The Sanctuary ecosystem has been impacted from human activity (e.g., fishing activities) to a degree where the MBNMS believes that it is appropriate to set aside some areas in Federal waters where these impacts are minimized. These impacts include altered size and age structure of fish and invertebrate species, altered habitats, altered species assemblages and biodiversity, reduced abundance, and altered ecosystem function. Where appropriate, it is envisioned MPAs in Federal waters could build off of and supplement the state MPAs established under the MLPA in the Sanctuary. While there are other management measures in place such as those under the MSFCA, their stated purpose is to manage fisheries and are not designed to provide areas where the natural ecosystem structure and function are restored and maintained throughout the Sanctuary's representative habitats.

It is important to reiterate that the primary purpose of any action taken by the MBNMS to establish MPAs in the Sanctuary is the conservation of Sanctuary ecosystem structure and function. This action would not be taken for the purpose of managing any single human activity or impact, but rather to manage for the protection of the Sanctuary ecosystem from a wide variety of existing or potentially new threats.

*2) There is a need for research areas to examine human impacts to the marine environment.*

Setting aside areas of the Sanctuary as MPAs can provide critical research opportunities in offshore habitats in order to more fully understand the effects of fishing and other uses on the Sanctuary environment. Even though the Sanctuary is one of the better understood marine areas in the world, there is a need to better distinguish human induced change from natural variability. In its 2001 publication entitled "Marine Protected Areas-Tools for Sustaining Ocean Ecosystems," the National Research Council characterized the need for MPAs to help understand marine ecosystems:

*Understanding the influence of human actions on marine systems is critical to evaluating the need for and effectiveness of management actions, but differentiating between natural and anthropogenic events is extremely difficult. Any indicator of change in a system must be compared to a well-defined natural standard, or benchmark, against which the magnitude of the change can be evaluated to determine its cause and significance. Without control areas, such as MPAs, that are relatively free from human influence to compare with areas altered by human activities, explaining the sources of variability becomes even more difficult . . . There is a significant need for fishery-independent sampling programs that include areas closed to fishing and other activities that disturb fish populations and habitats.*

While the new MPAs in state waters do afford the opportunity to distinguish human induced change from natural variation and fluctuations, offshore habitats are not represented. These deeper water habitats are distinct from those nearshore as is their likely response to fishing impacts. Understanding impacts in these commercially important offshore areas is not only critical to effective Sanctuary management, but is also potentially key to effective ecosystem based fisheries management.

The Marine Life Protection Act was intended in part to help the State understand the marine environment by providing the opportunity to study areas that are not directly impacted by fishing. Having comparable areas in Federal waters, potentially adjacent to state MPAs, would have the benefit of not only providing a greater range of habitat types in which to study the effects of fishing, but larger contiguous

areas could provide better control sites and enhanced opportunity for complementary Federal and state research efforts.

3) *There is a need to preserve some areas in their natural state for future generations.*

Section 301(a)(4)(c) of NMSA states that the National Marine Sanctuary System will maintain for future generations the habitat, and ecological services, of the natural assemblages of living resources that inhabit national marine sanctuaries (16 U.S.C. 1431(a)(4)(c)). There are certain areas of the Monterey Bay National Marine Sanctuary environment with extraordinary features or attributes, such as habitat, biological diversity, or sensitivity, and warrant a higher level of protection than is currently provided by MBNMS regulations or those of other authorities, so that those features remain conserved for future generations in as close to a natural state as possible. This rationale of “wildernesses of the sea” (areas of the marine environment that, like their counterpart on land, have inherent or intrinsic value due solely to their unique and/or exceptional qualities and receive the maximum level of protection) received strong support during the public comments periods on this process, as well as during the comment period for the Joint Management Plan Review.

In addition, affording these areas with an elevated level of protection will provide them security against currently unknown human and environmental impacts and threats that may arise in the future. Changes in technology to a wide variety of marine-dependent human activities, such as energy development, communication systems, desalination, or aquaculture often result in significant deviations from how the activity had been previously conducted. In many cases, although these technological changes occur quickly, it takes several years for their impacts to be fully understood. Although the impacts of these activities may not immediately be known, it is the NMSP’s responsibility to steward our sanctuaries and to ensure, as much as possible, that they are enjoyed and appreciated by the American public in the future. Providing certain areas of the Sanctuary with elevated protection, while continuing to allow compatible uses elsewhere, furthers this goal.

Furthermore, by managing these areas with additional protections in place, the MBNMS seeks to reduce the effects of cumulative impacts from human activities or from large scale environmental changes, such as climate change that are already occurring or may occur in the future. Restricting extractive or invasive human activities in these areas is expected to limit the effects on their special qualities to only those impacts that may occur as part of environmentally-driven events. Marine protected areas, by controlling for impacts for extractive human activities, will allow the MBNMS to assess the nature and severity of these events over time.

### **Conclusion**

While this decision comes after years of public process and stakeholder input, much work remains ahead. Over the next several months, MBNMS staff will be asking the Sanctuary Advisory Council and the Pacific Fishery Management Council for input on how best to build on the efforts of the MPA working group to ensure an effective and timely public process. In deciding to move ahead, the NMSP is committing to dedicate the resources necessary to fully capitalize on the community’s continued input as well as to adequately understand the ecological and socio-economic impacts of any proposed action.

Any regulatory action proposed by NOAA to designate MPAs in Federal waters, whether under the NMSA, MSFCA or both, to specifically designate areas will be accompanied with a full environmental analysis per the requirements of the National Environmental Policy Act and the Administrative Procedure Act.

Thank you again for your valuable time and advice, and willingness to help chart the course.

Sincerely,

PAUL MICHEL,  
*Superintendent.*

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service

MONTEREY BAY NATIONAL MARINE SANCTUARY  
*Monterey, CA, April 15, 2008*

Dear Sanctuary Advisory Council Members,

As you recall from my presentation at the February 15, 2008 meeting of the Sanctuary Advisory Council (SAC), the National Oceanic and Atmospheric Administration's (NOAA) Office of National Marine Sanctuaries (ONMS) has decided to move forward with a process to propose marine protected areas (MPAs) in Federal waters of the Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary). This letter provides additional information and rationale on this decision and clarifies the role of the National Marine Sanctuaries Act (NMSA) in managing the national marine sanctuaries from an ecosystem-based approach. I look forward to your continued participation, support, and advice on this important issue.

### **1.0 Background**

The decision to move forward with a process to propose MPAs in the Sanctuary is based on advice from the regional community, input from partner agencies, and deliberations over the last five years by the MBNMS marine protected areas working group. If action is taken by the ONMS to establish MPAs in Federal waters of the Sanctuary, the primary purpose for this action is to protect biodiversity and protect natural habitats, populations, biological communities and ecological processes (in this document collectively referred to as protection of ecosystem components). This action would not be taken for the purpose of managing any single human activity or impact, but rather to protect biodiversity, and protect components of the ecosystem within the Sanctuary using ecosystem-based approaches to management. Under the NMSA, the ONMS's responsibility for natural resource protection and ecosystem-based management is among the most comprehensive of all Federal programs. Sections 1.1 and 1.2 provide further context on the ONMS's goal of marine resource protection and why MPAs are considered an essential ecosystem-based tool to address specific objectives within the broad goal of resource protection.

#### ***1.1 Statutory context of proposed action***

The NMSA, of which the primary purpose is resource protection, is unique in that it allows management actions focused on the protection and conservation of the full spectrum of biological diversity and can serve as an important complement to tools focused on single species management, such as the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA). NOAA's National Marine Fisheries Service (NOAA Fisheries) manages individual species of economic importance under MSFCMA, the Nation's primary law regulating fishing in Federal waters. The MSFCMA requires regional fishery management councils to develop fishery management plans (FMP) with goals of optimum sustainable yield to manage targeted populations. The MSFCMA also requires management of essential fish habitat and habitat areas of particular concern, but management actions must be focused on specific spatial and temporal attributes that support populations of species managed as part of an FMP. The ESA provides for broad protection of species listed as threatened or endangered, including recovery plans and the designation of critical habitat. The MMPA provides protections to marine mammals by prohibiting take of marine mammals and having a goal that individual marine mammal species or stocks remain at, or above their optimum sustainable population level. "Take" under the MMPA is defined as "harass, hunt, capture, kill or collect, or attempt to harass, hunt, capture, kill or collect."

While there are thousands of documented species in the Sanctuary, and many that remain unknown, only a small percentage is protected under the MSFCMA, ESA, and MMPA. Among the findings, purposes, and policies of the NMSA is the finding "while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment." The NMSA is unique in that it allows for coordinated and comprehensive management actions focused on the protection and conservation of the full spectrum of biological diversity at a sanctuary rather than single species populations, which is the focus of other resource specific legislation. Congress found that national marine sanctuaries are areas of the marine environment that have special national significance and provides they be managed "to maintain

the natural biological communities . . . and to protect, restore, and enhance natural habitats, populations, and ecological processes.”

Another provision of the NMSA (Section 301(b)(6)) addresses the tension between resource protection and human uses and/or activities of sanctuary resources, and states a purpose of the NMSA is “to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.” This provision of the NMSA identifies when facilitating public and private uses of sanctuary resources, resource protection is the primary objective and therefore takes precedence. Human uses should be facilitated only when compatible with resource protection. The MBNMS facilitates some form of compatible human use in vast portions of the Sanctuary. Such uses are sometimes facilitated under relevant legislation, such as the NMSA and the MSFCMA. Only small nearshore portions within MPAs implemented by the state of California prohibit all, or most forms of extractive activity. The purpose of facilitating human uses compatible with the primary objective of resource protection will be fully evaluated with the process to consider establishing MPAs in Federal waters of the MBNMS.

In managing for biodiversity protection and ecosystem component protection, the authorities and protection measures afforded by all relevant statutes will be brought to bear in addressing the issues identified in sections 2.1, 2.2, and 2.3 below. Furthermore, given the distinctions made above among relevant governing statutes, it is reasonable to anticipate that the ONMS would advocate for higher levels of protection for certain areas of the Sanctuary than would be applied throughout the whole of the Sanctuary. By pursuing a process to consider further protections, the MBNMS is not characterizing the current management of habitats, economically important species, listed species, or marine mammals in the Sanctuary as inadequate under their respective regimes. Instead, the existing management actions designed for individual species or stocks are not designed to fully meet the ecosystem component protection and biodiversity protection goals of the MBNMS under the NMSA.

### *1.2 The ecosystem and MPA effects on components of the ecosystem*

The Monterey Bay National Marine Sanctuary is within the California Current Large Marine Ecosystem (CCLME), which has been subject to major alterations due to a combination of climatic and oceanographic variation and human activities (Chavez *et al.* 2003). The CCLME is subject to natural fluctuations in environmental conditions, typified by alternating climate regimes that differ in temperature, circulation, nutrient availability, and productivity over multiple time scales. For example, anchovy and sardine stock abundances have responded to these regime shifts over the last two millennia by cycling in or out of phase with environmental conditions (Finney *et al.* 2002). Typically, when anchovies are abundant, sardines are less abundant, and vice versa. During the downswing of one of these stocks, an anthropogenic or natural impact, such as overfishing or global warming, may alter their response to natural regime shifts and slow their recovery rate (Chavez *et al.* 2003, Palumbi *et al.* 2008). Ed Ricketts in 1946 suggested that this might have occurred to the sardine stocks that were heavily exploited in the Monterey Bay (Rodger 2002).

The ONMS’s ability to accurately evaluate the scale and consequences of change in the state of the Sanctuary’s natural resources is often challenged by an inadequate knowledge of historic baselines to compare with present conditions. A number of global studies have recorded substantial decreases in abundances of large consumers, such as whales, turtles, sharks and pelagic fish (Jackson *et al.*, 2001, Myers and Worm 2003). The following historic baselines of the ecosystem off the California central coast region concur with this global phenomenon. For example, Jean Francois de la Perouse described in 1792 what are believed to be the abundance of gray whales and stated, “it is impossible to describe the number of whales . . . they blowed every half minute within a pistol shot from our frigate.” Blue, right, gray and humpback whales were subsequently hunted to the edge of extinction. Despite full protection by the International Whaling Commission in 1947 for the California gray whale, their current numbers only represent 28–56 percent of their original historical abundance for the east Pacific population (Alter *et al.* 2007).

Shallow rocky reefs off the California coast often exist in alternative states comprised of kelp forests or urchin barrens (Tegner and Dayton 2000), depending on many environmental variables, but chiefly on the presence of urchin predators, such as spiny lobsters and sheephead in southern California or sea otter populations in central California. Hunted for their fur in the 1800s, sea otters were nearly extirpated before laws protecting otters were enacted. Sea otters have the potential for regulating kelp forest communities and the number and diversity of fishes resident in these nearshore communities (Estes and Palmisano 1974). As early as 1850,

trophic cascades brought about by sea otter exploitation led to population explosions of two herbivorous invertebrates, abalone and sea urchins. Had it not been for the thriving abalone fishery led by the Chinese in the area, more serious impacts on kelp forest and the associated ecosystem might have been experienced. Although the size or location of any proposed MPAs in Federal waters of the Sanctuary would be inappropriate for protection and restoration of whale or sea otter populations, these examples serve to demonstrate how the natural state of certain species within the CCLME and the Sanctuary have shifted to a fraction of their historical abundances. Marine fauna have undergone substantial population changes due to climatic influences and human activities. These examples support the need for long-term datasets to distinguish natural ecosystem variation inherent in the CCLME from anthropogenic forcing.

The basic diversity of marine life and the patterns and processes controlling distribution and abundance of marine organisms in the Sanctuary are still not well understood, especially in offshore waters and deeper habitats. At the same time, new technologies (*e.g.*, geographic information systems or GIS) and conceptual advances (*e.g.*, theoretical models) in ecosystem based management allow the ONMS to implement research and management approaches that seek to reveal a more complete understanding of ecosystem components of the Sanctuary's deepwater communities.

Protecting biodiversity and ecosystem components is central to the implementation of ecosystem-based management, an evolving approach that stresses management of the Sanctuary in context of its ecosystem, including all habitats and species populations, biological communities, and all human activities. Both ecosystem-based management and MPAs offer an integrated approach to marine resource management (NRC 2001, MPA FAC 2006). Numerous advisory panels, such as the U.S. Commission on Ocean Policy and the Pew Oceans Commission as well as many marine scientists, believe that management of marine resources in U.S. waters would be most effective if implemented explicitly from an ecosystem perspective (NOAA 2005; Francis *et al.* 2007). The goal of ecosystem-based management is to achieve healthy and resilient ecosystems so that they can provide services humans need and want, such as water and air purification, seafood, recreation, and spiritual connections (MPA FAC 2006). MPAs promote an ecosystem-based approach to managing and understanding marine resources by protecting geographical areas, including resident organisms and their biophysical environment (Lubchenco *et al.* 2003).

MPA effects on ecosystem components range from habitat and population level responses to community level responses. For example, in areas less impacted by bottom-contact gear, particularly trawl gear, benthic habitats were topographically and structurally more complex, providing increased shelter for juvenile fish and reducing their vulnerability to predation (Kaiser *et al.* 2002). Engel and Kvitek (1998) compared highly trawled areas to lightly trawled areas in the Sanctuary and found lightly trawled areas to contain more heterogeneous sediments, more detritus, and higher abundances of opportunistic species.

In a global study by Halpern (2003) of 89 no-take MPAs, the increased protection inside these particular MPAs yielded, on average, increases in species number, size, and diversity. Improvements in size and age structure of fish populations may improve reproductive capacity, for older fish may produce larger, healthier, and more fit larvae (Berkeley *et al.* 2004a). A broad spectrum of age classes may also buffer a population against long periods of recruitment failure and unfavorable conditions induced by natural or anthropogenic sources (Berkeley *et al.* 2004b). These improvements in habitat and population variables have been shown to provide benefits to economically important species (Murawski *et al.* 2000).

At the community scale within the Sanctuary, natural refugia from human activities had higher abundances of large rockfishes (*Sebastes* spp.) than areas utilized by humans (Yoklavich *et al.* 2000). Shifts in community composition may disrupt direct and indirect ecological processes inherent in food webs and alter community trophic interactions and energy flow. A few studies of MPAs have shown to reverse these trends inside their boundaries by increasing predator abundances and restoring their top-down role in trophic cascades (*e.g.*, Shears and Babcock 2003), and by increasing species richness and functional diversity (Micheli and Halpern 2005). Food web structures are complex and their influence on ecosystem states even more complex. A study of coral reef interactions inside a large marine reserve revealed increased levels of grazing by herbivorous fishes despite increases in predator abundances, which in turn reduced algal cover and increased live coral cover (Mumby *et al.* 2006).

At the ecosystem scale, MPAs have higher biodiversity, which plays a role in ecosystem productivity and stability. Worm *et al.* (2006) conducted a global comparison of regional biodiversity and argued that ecosystems with higher regional species richness appeared more stable, showing lower rates of extinction of economically im-

portant fishes and invertebrates over time. The same study reviewed how increased biodiversity in no-take MPAs and fishery-based MPAs were associated with large increases in productivity among economically important species.

Therefore, MPAs are considered an effective ecosystem-based tool for protecting biodiversity and ecosystem components. In addition, MPAs may also contribute to human uses, such as ecotourism and bolstering depleted stocks. Benefits of MPAs in the Federal portions of the Sanctuary are most likely to be detected inside the boundaries of the MPA over many years to decades, particularly for sedentary species. Benefits beyond the MPA boundaries will be much harder to detect, but could include spillover of adults (McClanahan and Mangi 2000; Gell and Roberts 2003) and larval dispersal into adjacent areas (Murawski *et al.* 2000). It is important to note that even well-managed MPAs will require continued conservation efforts beyond their boundaries to be effective at promoting biodiversity and conserving ecosystem components (Murray *et al.* 1999).

## 2.0 Management Objectives for MPAs in Federal Waters of the MBNMS

Marine zones, such as MPAs that offer protections complementing those currently afforded to the Sanctuary as a whole, are tools of spatial management. Marine zones are not a new endeavor for the ONMS or the MBNMS. In fact, the MBNMS has used zoning since the Sanctuary was designated in 1992. Currently, the MBNMS has zones where:

- Certain human activities, otherwise prohibited throughout the Sanctuary, are allowed (such as motorized personal watercraft, harbor dredge disposal, or jade collection);
- Certain human activities are specifically prohibited (such as shark chumming or low over-flights by airplanes).

Through restricting or redirecting potentially harmful or disruptive human activities, these marine zones have improved management and protection of the Sanctuary's ecosystem components. There are three principal management objectives for moving forward with MPAs as additional marine zones in the Federal waters of the Sanctuary:

1. Preservation of unique and rare areas in their natural state for the benefit of future generations;
2. Preservation of areas where natural ecosystem components are maintained and/or restored;
3. Designation of research areas to differentiate between natural variation versus human impacts to ecological processes and components.

Supporting information and reasoning for each of these management objectives is detailed below.

### 2.1. *Preservation of unique and rare areas in their natural state for the benefit of future generations*

In section 301(a)(4)(C) of the NMSA, Congress finds that the National Marine Sanctuary System will “maintain for future generations the habitat, and ecological services, of the natural assemblages of living resources that inhabit these areas.” There are certain areas of the Sanctuary environment with extraordinary features or attributes, such as unique habitats, biological diversity, or sensitivity, warranting a higher level of protection than currently provided by MBNMS regulations and other authorities. These areas of inherent or intrinsic value, due solely to their unique and/or exceptional qualities, may be considered analogous to land areas that are cherished and protected solely for their superlative beauty and untamed wildlife. There are similar wildlife areas in the Sanctuary, teeming with mysterious and stunning life, such as deep sea coral and sponge communities (NOAA 2008) or chemosynthetic biological communities that are vulnerable to human activities and deserve special protections. The concept of protecting “special places” within the Sanctuary of intrinsic value received strong support during the public comment for the Joint Management Plan Review (approximately 50 percent of comments), as well as comments received when considering the decision to pursue the action of establishing MPAs to manage resources in the Federal portions of the Sanctuary (> 95 percent of comments).

By providing additional protections to areas of intrinsic value, the MBNMS can provide defense against unforeseen impacts and threats from technological advances in marine activities. Changes in a wide variety of marine technologies such as desalination, energy development, or aquaculture may result in unintentional deviations from how the activity had been previously conducted and potentially negatively affect natural resources of the Sanctuary. In many cases, although these tech-

nological changes occur quickly, it can take many years to decades for their impacts to be fully understood. The ONMS therefore, can proactively steward special places within the Sanctuary and seek to ensure they are protected for the public now and in the future.

## 2.2. *Preservation of areas where natural ecosystem components are maintained and/or restored*

Section 301(b)(3) of NMSA guides the ONMS “to maintain the natural biological communities in the national marine sanctuaries”, and “to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological process.” In an effort to achieve this goal, current MBNMS regulations protect Sanctuary resources and attributes from a variety of human activities that can have adverse impacts on the ecosystem. Examples include regulatory prohibitions on oil and gas development, resource extraction, discharge of harmful materials, and seafloor alterations.

To provide for additional protection of the natural components of the ecosystem, other human activities could be restricted or prohibited within any Federal waters MPAs designated in the Sanctuary. Activities that may require further regulation in Federal waters include installation of cables, construction of offshore wave energy facilities, commercial and recreational extraction, extractive research, offshore aquaculture, and other types of bottom-contact activities. The effects of most of these activities are currently not well defined, with the exception of fishing. Fishing is one of the most studied human activities of the marine environment with a wide variety of data and sources analyzing its effect on components of marine ecosystems.

The ONMS does not regulate fishing in the Sanctuary and does not consider the establishment of MPAs for MBNMS objectives as a tool for fisheries management. However, any potential MPAs implemented by the MBNMS and existing or future zones designated by fisheries management agencies (hereafter referred to as fishery-based MPAs) may complement each other by contributing to the objectives of ecosystem conservation and sustainable production, respectively. The fishery-based MPAs implemented by the Pacific Fishery Management Council (PFMC) within the Sanctuary are rebuilding overfished populations (Rockfish Closed Areas, RCA) and protecting essential fish habitat (EFH: bottom trawl closed areas within the Sanctuary and bottom contact closed areas over Davidson Seamount). The RCAs provide seasonal protection to groundfish assemblages of “weak and strong stocks” by prohibiting the take of overfished species (weak stocks) that co-occur with healthy species (strong stocks). Recent stock assessments show notable improvement to the status of the overfished stocks, likely due to the RCAs and conservative total allowable catch (TAC) limits for the west coast groundfish fishery. The fishery-based MPAs thus contribute, in part, to the objective of “restoring ecosystem components” by rebuilding overfished stocks. However, the focus of these particular fishery-based MPAs is to rebuild individual stocks and will presumably be discontinued when stocks have been rebuilt (timeline: 2–80 years). The performance of designated EFH areas is currently being evaluated. For example, the MBNMS has partnered with Dr. James Lindholm to evaluate the recovery trajectory of a non-trawled area (EFH), compared to a trawled area (J. de Marniac, personal communication).

Fishing activities have altered marine resources and components of the ecosystem globally (NRC 2006) and within the Sanctuary (Yoklavich 2000; Levin *et al.* 2006). Examples of general effects include alterations to population abundances, size and age structure of fishes and invertebrate species, habitats, and species diversity. The dramatic decline of some rockfish species (*Sebastes* spp.) and the lengthy projected periods to rebuild to target levels are sufficient evidence that components of the groundfish community and habitats have been strongly impacted by fishing activity (Ralston 2002). Furthermore, based on two decades of bottom trawl surveys of the California Current, Levin *et al.* (2006) found evidence for broad-scale changes in community composition of groundfishes.

How these changes to groundfish populations and community composition ultimately affect the community interactions of the Sanctuary is thus far unknown. However, studies of temperate communities, both in central California and other regions, show that removal of predators can have cascading impacts to lower trophic levels. As alluded to earlier, the structure of kelp forest communities along the west coast from Alaska to southern California is strongly influenced by the relative abundance of predators (*e.g.*, killer whales, sea otters, lobsters, sheephead) and prey (*e.g.*, sea urchin, abalone) (Estes and Palmisano 1974, Estes *et al.* 1998, Steneck *et al.* 2002, Halpern *et al.* 2006). Other predator-prey examples from the North Atlantic and Baltic Sea demonstrate how the demise of a predatory fish has led to substantial increases in the abundance of its prey (Worm and Meyers, 2003; Zabel *et al.* 2003). When community interactions are included in a model for design of no-take



MPAs for west coast rockfish, two alternative community states are predicted as a consequence of initial densities of predator and prey fish species: one where the overfished rockfish predators dominate and one where the prey dominates (Baskett *et al.* 2006).

Declines in functional species or groups, such as the demise of key predators and herbivores, may also represent a loss of ecological redundancy, reducing ecosystem resilience and rendering the ecosystem vulnerable to additional anthropogenic threats or climatic change (Palumbi *et al.* 2008). Coral reef communities in Jamaica, for example, shifted from predominantly coral cover to algal cover due to serial loss of functional herbivores. Fishing had removed predatory and herbivorous fishes, and once a disease wiped out the remaining principal herbivore (the long-spined sea urchin), the reef community shifted to one dominated by fleshy algae. Nutrient input from sedimentation and sewage further contributes to the persistence of algal dominated reefs (Hughes *et al.* 1999). Recovery from alternative ecosystem states can be delayed by complex and often indirect interactions among species and the environment (Peterson *et al.* 2003).

On the west coast, the PFMC's groundfish FMP establishes a goal of reducing exploited populations to 40 percent of their unfished size (Ralston 2002). With few exceptions, the direct and indirect effects of removing this quantity of biomass from the ecosystem are poorly understood at an ecosystem level. The initial recovery of some overfished stocks on the west coast and the absence of trophic cascades as a consequence of their removal would suggest that fishing activities have not irreversibly perturbed the ecosystem. However, even though local data are lacking, ecological principles coupled with theoretical models and empirical studies from other regions would strongly advocate for using a precautionary approach. Risk-averse approaches are essential when uncertainty is high and the costs of error may produce irreversible damage. A precautionary approach is central to ecosystem-based tenets (Francis *et al.* 2007) and it is also applied by the PFMC and NOAA Fisheries, who utilize a precautionary approach in promoting sustainable fisheries, particularly when data are poor or lacking for managing economically important species. Because data are limited on the ecosystem-level effects of fishing and other human activities, this approach would dictate establishing areas where human activities are minimized, as a means to hedge against scientific and management uncertainty. These areas would help maintain and restore ecosystem components, and serve as research areas to study and better distinguish natural variation from anthropogenic impacts.

Setting aside certain areas of the Sanctuary as MPAs would also prepare the MBNMS for future management challenges. By establishing MPAs as areas with additional protections, the MBNMS can provide security against cumulative impacts, and unforeseen human and environmental threats by maintaining intact ecosystem components that are better able to recover, resist and reverse natural and human disturbances (Palumbi *et al.* 2008). The importance of resilient ecosystem components is one purpose of the NMSA, which states "develop and implement coordinated plans for the protection and management of [national marine sanctuaries] with . . . interests concerned with the continuing health and resilience of these marine areas."

### 2.3 *Designation of research areas to differentiate between natural variation versus human impacts to ecological processes and components*

Section 301(b)(5) of the NMSA addresses the importance of research by stating "support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas." Developing an understanding of the interactions and interdependence of living marine resources in a natural environment is key to effective management. As with the protection of any natural resource, information on the status and natural variability of resource components, species, and interactions is essential for the informed management of an area as extensive as the Sanctuary. In order to adequately differentiate between anthropogenic and natural changes and to further determine how those changes might affect other components of the ecosystem, a baseline set of ecosystem measurements should be established and monitored over subsequent years. As these data are gathered and analyzed, scientists and managers can determine with greater confidence how much variability is natural in a system and how much may be the result of anthropogenic influence. With a better understanding of the factors that influence ecosystem components, managers can support both improved protection of the resource and a more rapid and appropriate response to natural and/or human-induced perturbations.

Control areas, places where extractive or disruptive anthropogenic activities are minimized, are critical for the MBNMS in order to determine the responses of key resources to human influence. By comparing changes in key resources in a control

area to other areas of the Sanctuary, MBNMS management would have better information to address the needs of research, protection, and constituent use of the resources.

The research conducted in MPAs could be done in partnership with, or individually by, other managing agencies (*e.g.*, NOAA Fisheries, PFMC, and the State of California), academic institutions, the fishing community, and conservation groups. The type of questions that can be addressed by establishing MPAs for research purposes include, but are not limited to, the following:

- What variability is inherent in the natural ecosystem components and what changes may be the result of human influence?
- What are the effects of extractive activities on ecosystem components?
- How would benthic communities change in response to a further reduction in human activity?
- What are the recovery trajectories in disturbed habitats?
- Where along the continuum of community structure does the protected area fall compared to unprotected or heavily used areas?
- What is the functional role of deep-sea biogenic habitats, such as deepwater corals, sponges, and chemosynthetic biological communities in regulating community structure?

In addition, the Marine Life Protection Act was intended, in part, to help the State of California understand the nearshore marine environment by providing the opportunity to study areas that are not directly impacted by human activities. Having similar research areas in Federal waters, where results can be compared to those found in state waters, is not only critical to effective management of the Sanctuary, but is also key to effective ecosystem-based management.

#### 2.4 Other considerations

The MBNMS recently evaluated the number and type of MPAs currently located within the boundaries of the Sanctuary to determine their role in addressing MPA objectives 2.1 thru 2.3. The state-implemented MPAs meet all three objectives, but only for the nearshore environment. The fishery-based MPAs (EFH and RCA), in part, meet objectives 2.2 and 2.3 for components of deepwater communities. Thus, fishery-based MPAs are complementary, but not sufficient in meeting the MBNMS objectives for MPAs in Federal waters of the Sanctuary. The fishery-based MPAs protect some economically important species and their associated habitats, but do not adequately protect other non-economically important species or habitats. Nor are the protections permanent or year-round. In addition, fishery-based MPAs cannot restrict other potentially harmful human activities, such as construction of energy farms (wind or wave generated), unless they impact managed fishery species or fishing activities themselves. The target of any MPA that may be implemented on behalf of the ONMS is to protect biodiversity and ecosystem components, which is distinct from the targets for fishery-based MPAs. Additional measures that may be complementary to the fishery-based MPAs are required to address these differences among management approaches.

Additions to existing fishery-based MPAs may be an option to achieve multiple, yet separate, objectives of the MSFCMA and NMSA. For example, there may be merit in considering a few select areas for long-term protection of spawning biomass, age structure, and community structure for some of the more vulnerable habitats and species. These options would be considered as part of an open, transparent, and inclusive process with MBNMS partners, stakeholders, and constituent groups.

### 3.0 Conclusion

The natural resources of the Sanctuary and the environmental services they provide to the United States are unique, nationally treasured, and internationally recognized. However, certain human and natural impacts to the Sanctuary ecosystem have either become more severe or more apparent since the designation of the Sanctuary in 1992. MPAs are a promising tool for reducing and reversing some of these impacts within discrete areas of the Sanctuary. Current protections either do not cover offshore habitats in Federal waters (state MPAs) or only provide limited protection based on target species or activities (EFH and RCAs).

The ONMS's responsibility to manage and protect special marine areas of the Nation's public domain is clearly defined in the NMSA. Given this responsibility, coupled with ecosystem based management principles, the ONMS determined it is appropriate to consider setting aside some areas in representative habitats of the Sanctuary where human impacts can be minimized and the natural ecosystem components of these areas may be restored and maintained. Considering establishment

of these areas is compatible with ONMS's ecosystem-based approach to the management of NOAA trust resources and is responsive to public appeals for increased protection.

As such, the ONMS is initiating a process to propose designating MPAs in the Federal waters of the Sanctuary, with goals of preserving unique and rare areas in their natural state for the benefit of future generations, preserving areas where natural ecosystem components are maintained and/or may recover, and serving as research areas to differentiate between natural variation versus human impacts to ecological processes and components. There are many approaches ONMS can take to meeting these goals, and no determination has been made regarding the authority under which any new MPAs would be implemented. This decision will be an integral part to the process of establishing MPAs in the Sanctuary and will be made in close consultation with NOAA Fisheries, the PFMC, and other regulatory and resource management agencies.

Moving forward with a process will also involve focused stakeholder and public involvement and the MBNMS encourages public participation throughout. Further, the MBNMS will be seeking additional input from its Sanctuary Advisory Council, the PFMC, NOAA Fisheries and other regional resource management partners regarding the process to establish MPAs in Federal portions of the Sanctuary.

Sincerely,

PAUL MICHEL,  
*Sanctuary Superintendent.*

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AGENDA ITEM I.1.E  
ATTACHMENT 2  
June 2008

Comments on the proposal for MPAs within the MBNMS.

MBNMS Decision and Rationale Documents of 2/15/08 and 4/15/08.

Ray Hilborn May 2008

When examining any management action I ask first, “What is the objective?” How would we evaluate any specific proposal? The MBNMS proposal begins with the following statement:

“the primary purpose of this action is to protect biodiversity and protect natural habitats, populations, biological communities and ecological processes”

Since the level of protection would be maximized by absolute protection, including protection from non-consumptive recreational use, and there is a clear tradeoff between human use, and level of protection, this objective statement provides no basis for determining how much protection is appropriate. Implicit throughout the report is the assertion that the current levels of protection are not sufficient, but there is no basis for making any decisions on how much is enough.

The report argues that only a small portion of species are protected under MSFCMA, ESA, MMPA and this implies that exploited species that are well managed are not protected. Further this implies that an ecosystem that is being fished under the guidelines of the MSFCMA is not protected, yet the clear intent of MSFCMA is to protect the productivity of species and ecosystems for sustainable utilization. In short, there is a clear implication in this document that protection means no human impact.

I believe it can be argued that the legal frameworks of the MSFCMA, ESA, MMPA, NEPA etc is to specifically protect the marine ecosystems in Federal waters, and to protect them so that sustainable human use is possible. The EFH provisions of MSFCMA are clearly designed for such provisions. The assertion that the existing legislation does not provide for protection seems to be fallacious.

The literature review is highly biased. For instance the Myers and Worm 2003 paper arguing that all the big fish of the ocean had declined by 90 percent by 1980, has repeatedly been shown to be wrong (Sibert *et al.* 2006). The authors discuss the status of California grey whales, and cite a highly controversial genetics paper suggesting that the stock is not fully rebuilt, while ignoring the extensive work by NOAA and the Scientific Committee of the International Whaling Commission which suggest the stock has returned to its unfished abundance. In short the authors of this report have made no attempt to make a balanced analysis of the evidence on any of the issues but have been highly selective in their choice of literature to discuss. The literature review of MPA's is similarly highly biased, and (among other things) makes no attempt to recognize (1) the historically low exploitation rates on fishes in the system, (2) the fact that bottom contact gear historically covered only a small portion of the total habitat, (3) the recovery of the groundfish community in recent years to greater than 50 percent of its unfished abundance and (4) the extensive portion of the MBNMS that is closed to trawling.

The report is highly deficient in not recognizing the extent of existing areas closed to fishing, both from trawl bans, rockfish conservation areas, essential fish habitat and existing closed areas such as the Davidson Seamount. The report makes no attempt to determine if the protection from these activities is sufficient to achieve the objectives of the NMSA.

The document argues that the ecosystem needs further protection, and that the major ecosystem changes have been in the groundfish community. While admitting that some of the overexploited groundfish have begun to recover, the possibility that all of the ecosystem concerns cited are already addressed by the combination of various management agencies is ignored, and the document implies that the ecosystem has gotten worse since the original designation of the MBNMS. The document totally ignores the fact that the groundfish stocks (not including hake) are now at greater than 50 percent of the estimated unfished biomass and increasing.

The report argues that ONMS does not regulate fishing in the sanctuary and does not consider establishment of MPAs in the MBNMS as tools of fisheries management. This is patently silly. The primary human activity that would be regulated by MPAs is fishing, and any establishment of MPAs modifies the fisheries management regime in the MBNMS. The entire document suggest that the primary ecosystem change that has occurred has been in the groundfish stocks, and that fishing has been the dominant impact on groundfish. It is thus impossible to separate fisheries management from the status of the ecosystem.

Sibert, J., Hampton, J., Kleiber, P., and Maunder, M. Biomass, Size, and Trophic Status of Top Predators in the Pacific Ocean. *Science*. 2006;314: 1773–1776.

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#### BAIT AND SWITCH? FISHERMEN'S DIFFICULT RELATIONSHIP WITH THE MONTEREY SANCTUARY

With new efforts being made by some community members to gather support for an expanded Monterey Sanctuary (MBNMS), or a new “central coast sanctuary”, claims have been heard that the MBNMS has never broken the well-remembered promise made to us fishermen that it would not create regulations that affect us, or otherwise threaten our livelihoods. Central coast fishermen have always wanted a mutually trusting and respectful relationship with the MBNMS, but we have so far been disappointed. I have researched this issue, have spoken with many fishermen, and located reference documents, the results of which are found below.

First, a little history.

The condition of the central coast just prior to sanctuary designation in 1992 was considered “pristine”. This, and the unique feature of the Monterey Canyon, is why the northern portion was considered for a sanctuary. This was the case even in the context of extensive fisheries having utilized the ocean for the last 100 years. In fact, in 1992 in the central coast, just prior to sanctuary designation, there were a dozen or more bottom trawl vessels, about 30 purse seine (squid/sardine) vessels, and several hundred boats fishing for salmon, crab, albacore, prawns. Now, we have only about one-quarter of that number, and these are even more heavily regulated. The main public interest in creating a sanctuary was to add another layer of regulation to keep oil development out of the region.

During the run up to the creation of the Monterey Bay National Marine Sanctuary (MBNMS), regional communities and stakeholders negotiated with NOAA as to the role that the Federal Agency would play in the coastal and ocean issues. There was great concern over surrendering local control, and the potential for ocean policy issues to essentially be run from Washington, D.C. The Association of Monterey Bay Area Governments (AMBAG) played the lead role among the public agencies to sort out these issues. Congressman Leon Panetta also convened a stakeholder leaders group to air out their concerns. Representatives from commercial and recreational fishing were key members of the stakeholder group. In 1991 commercial fishing was several hundred million dollars a year worth of direct income, but also had important cultural roots in several communities. Getting commercial fisherman to support a sanctuary was particularly important because there had been two prior efforts to create a Monterey area sanctuary, which had been defeated by fishermen. We were suspicious of a Federal agency called a “sanctuary”—which we felt would imply to some protecting everything from everything everywhere—and among other restrictions, that the sanctuary would create new regulations making our lives more difficult or even putting us out of business. Fishing was already heavily regulated by State and Federal fishery management agencies.

The Designation Document for the sanctuary purposely did not list fishing as an activity subject to regulation, or future regulations. The Designation Document is essentially the original terms agreed upon by all parties and serves as a foundation for sanctuary management. The *Designation Document* can be changed, but it must go through the same process of public hearings and environmental impact analysis as did the original designation. This said, there was a past effort on the part of the sanctuary program to get Congress to shortcut this process and allow sanctuaries to change Designation Documents essentially at will. Fortunately, Congress did not do this.

The agreement that was struck between NOAA (parent agency to the future sanctuary) and fishermen was this: If fishermen agreed to support the creation of a sanctuary, the sanctuary would respect the authority of the existing Federal and state fishery management agencies. The sanctuary would not manage fisheries, create fishing regulations, or generally take actions that threaten the livelihoods of fishermen . . . A powerful statement of this negotiation can be found in the *affidavit of Dave Danbom*, Leon Panetta’s lead representative for fishing issues. It is

generally acknowledged that if it had not been for this important agreement made with the fishing community, the sanctuary effort would have failed once again. Congressman Panetta is quoted in the *San Jose Mercury News* (March 16, 2003), saying “I think the reason we were able to get such a large consensus (to support a sanctuary) was that I made it clear the sanctuary wasn’t going to represent a whole new bureaucracy imposing regulations on fishermen.” Letters from *Congressman Sam Farr*, *Anna Eshoo*, and others, also speak pointedly to this fact. This negotiation and agreement are remembered still by many elected and civic leaders, and serves as the basis for many community leaders’ continued involvement in holding the Sanctuary to this promise. Many public agencies, such as the *City of Morro Bay*, the *Monterey County Board of Supervisors*, the *Association of Monterey Bay Area Governments*, which is made up of elected officials from three counties, the *City of Monterey*, and the Port San Luis, Moss Landing, and San Mateo County Harbor Districts, have all gone on record as asking the MBNMS to keep its promise made to fishermen. Keeping this promise has been a sort of integrity test for the sanctuary through the years.

The Designation Document also contains language that relates to the future for fishing issues: “Should problems arise in the future, NOAA would consult with the State, Pacific Fishery Management Council, the State, the National Marine Fishery Service, as well as Industry, to determine an appropriate course of action.” This phrasing opens the door for sanctuary/fishermen discussions on items of mutual interests. Congressman Sam Farr speaks to this point in his thoughtful *letter of January 30, 2002*. Fishermen were assured by this language and the terms of the Designation Document. We were also assured by our relationship with the older Gulf of the Farallones National Marine Sanctuary. GF Sanctuary Manager Ed Ueber had had a positive relationship with the fishing community. If a problem arose, he knew exactly who to call, take them out for coffee, discuss it, listen to them, and together work out a solution, without the sanctuary imposing fishing regulations or the fishermen feeling threatened.

Has the sanctuary kept this promise over the past 20 years? Most fishermen think that it has not. In recent times senior MBNMS officials have suggested, at public meetings, that fishermen were somehow “confused” by what they heard in the early 90s—that the promise wasn’t really a promise. This makes us wonder if NOAA always intended to try and get around the agreement, as soon as the sanctuary was created. Sanctuary officials have also repeatedly claimed that they have never created a fishing regulation, or otherwise harmed the fishing community. Incredibly, this is said during the same time period that the MBNMS called for additional MPAs—fishing closures.

In 2008, a *legal opinion was sought on the authority*, or lack of, for a sanctuary to create MPAs.

There are many specific examples why fishermen feel that the MBNMS has not acted in good faith, but only several will be discussed here. One comes from the MBNMS revision of its management plan, which began in 2001. Fishermen knew that the sanctuary was very interested in marine protected areas (MPAs), which are various levels of no fishing zones. It would be the epitome of breaking the promise made to fisherman should the sanctuary force MPAs into the region. At the same time, most fishermen knew that there is a place for some MPAs in ecosystem-based management. To constructively engage in this discussion in a way that would not compromise the original agreements, or threaten fishermen, fishermen organized and created a MPA working group to discuss this with the sanctuary [*ACSF Letter to MBNMS 2.2.01*]. This working group was led by the fishermen themselves. They were comfortable with the process and progress was being made in these discussions until sanctuary management decided that it needed to control the process and created its own marine protected area work group, thereby making the fishermen’s group ineffective as it had no one to talk to. Fishermen were invited to participate in the sanctuary’s MPA working group and did so for nearly five years, but only as a minority voice. Ultimately fishermen were so frustrated with the sanctuary that they withdrew their support for the working group and the MPA element of the sanctuary’s new management plan [*MPA Letter to Holly Price MBNMS 2.2.07*]. Fishermen felt that the MBNMS lacked a scientific basis for the scope of its MPA ambitions, and we perceived that the sanctuary itself didn’t even follow the principles of its own MPA plan. During this process, the MBNMS was formally asked by the City of Monterey if the culture and heritage of fishing in coastal communities were “resources” that the sanctuary was also to protect. The answer: No. [*Letter to Holly Price and SMPA Workgroup 1.21.05 & MBNMS Response to Letter 1.22.05*]. Fishermen also commissioned a number of scientific studies from respected, independent fisheries scientists, and presented these to the sanctuary. However, fishermen feel that the sanctuary has dismissed these studies out of hand.

When this MPA working group was disbanded in April 2007, without reaching a decision, the MBNMS announced that it would take the question of the need for additional protection, meaning more MPAs in Federal waters, directly to its Advisory Council. The MBNMS leadership made statements about how much they needed the SAC's advice to help them make this important protection decision. There were a series of SAC meetings, with scientists and others making presentations on this question.

*Congressman Farr wrote to the MBNMS* on this issue. Ultimately, in December 2007, the SAC voted (but with substantial dissent) to support creating additional MPAs in Federal waters. With that "advice" on the record, the *MBNMS announced on February 15, 2008*, that it would pursue additional MPAs. A *second letter was published April 15, 2008* containing the MBNMS's attempt to create a scientific rationale. In these letters, the MBNMS attempts to make the case that somehow the National Marine Sanctuaries Act requires that the Sanctuary create wilderness areas in the sea—areas where no fishing and many other uses would be allowed. The attorney for the ACSF wrote to the NOAA and Sanctuary leadership, expressing his legal opinion that the MBNMS lacked legal authority to create these MPAs. The City of Monterey also reacted strongly to this MBNMS MPA decision. [*Monterey City Council Letter to MBNMS 3.27.08*]

Fishermen who had followed this process smelled, to be frank, a dead fish. The Alliance of Communities for Sustainable Fisheries (ACSF), through its attorney, sent a *Freedom of Information Act request* for information on the MBNMS's MPA decision. At first the Sanctuary Program told the ACSF that it would cost at least \$9,000 to supply the requested information [*FOIA Request Response 11.3.08*]. Eventually, *AMBAG wrote to the Sanctuary program*, pointing out that the MPA decision was a item of great public interest, and requested a fee waiver. The Sanctuary backed down and agreed to provide the information. The information that came in, nearly a year after the original request, showed some very alarming things.

Perhaps most alarming, the *official minutes of a June 8, 2008 MBNMS staff meeting*, led by the Director of all West Coast Sanctuaries, Bill Douros, show that the decision to have more MPAs, and generally where they will be placed, is made six months before the MBNMS asks its SAC for its advice to help them make this very decision. In the discussion of the need for additional protection through MPAs, Mr. Douros is quoted as saying "We need to see additional protections and know we need an extension of the state MPAs": It seems clear to us fishermen that the top west coast sanctuary program official is making a decision and directing his staff. This decision is also made prior to a July 27, 2007 briefing of Congressman Farr wherein the MBNMS representatives tell the Congressman of their plan to obtain SAC advice in December 2007. So, it seems that the MBNMS used the goodwill of the SAC members for its own purposes, having already decided the issue.

It also appears that when the MBNMS made its "need for MPAs" decision public on February 15, 2008, it failed to consult with the Pacific Fishery Management Council in advance of this decision, as required by the Sanctuary Designation Document and its own regulations.

To us fishermen, not only is all of this a profoundly disappointing misuse of a public process, but it's also a waste of taxpayer money, and since MPAs are aimed to stop fishing in areas, directly harmful to us. This is more than a fishing issue, and if public members are concerned about the loss of local control that might come with sanctuary designation, they should pay attention to this.

Another example relates to this in that the State of California began its own MPA process in 2005. This was called the Marine Life Protection Act Initiative. Fishermen again organized themselves to constructively engage in this process with the state and committed themselves to following the science guidelines developed by the state, and to have a proposal that met all the goals and objectives required by law. The MBNMS was represented during this process. Despite repeated requests from the fishermen for the sanctuary to join the fishermen to create an MPA network together, the sanctuary led a group of conservation organizations in creating an alternative proposal, which, after some changes, was adopted by the State. Fishermen witnessed sanctuary representatives pointing at maps and stating which areas the sanctuary wanted to close to fishing. At the end of the State process it got even worse when the superintendent of the sanctuary spoke in front of approximately 300 people, 150 of whom were recreational and commercial fishermen, and told the Fish and Game Commission that the state had not gone far enough in its efforts to close areas to fishing. This was in spite of the fact that the new closed areas were seriously hurting fishermen, and even creating new safety at sea issues. The superintendent made a specific written proposal to close additional areas in Monterey Bay to fishermen. Later, when senior sanctuary staff were discussing the enforcement of the new state MPAs, the West Coast Sanctuary Director commented on how



the sanctuary could “trick fishermen”, who would not realize how fast a new sanctuary boat was. Even though it was not the Sanctuary that created the ultimate regulation to close these areas to fishing, fishermen felt utterly betrayed by the Sanctuary. The Sanctuary in turn lost a tremendous opportunity to work constructively with the fishing community.

In 2008 the *Regional Director of the West Coast Sanctuaries wrote to the Pacific Fishery Management Council* expressing his agency’s view that it would seek to “reduce or eliminate” bottom trawling from west coast sanctuaries. This is in spite of the fact that bottom trawling is heavily regulated and constrained spatially. In fact, approximately 4,000 square miles of the MBNMS is already closed to bottom trawling. Bottom trawling exists primarily over soft-bottom habitats and does not cause extensive sea floor damage as once was believed. *The fishing community responded to the sanctuary in writing*, taking to task what was felt was a reckless and ill-informed statement of policy from a senior Sanctuary official. This also feels like a clear breach of the agreement made with fishermen.

Fishermen have also had to fight with sanctuary officials as they have tried to dictate who will represent fishermen; that’s another reason why fishermen have formally banded together in the regional organization, The Alliance of Communities for Sustainable Fisheries.

The Sanctuary has currently involved itself in a fishery management-related issue by the fact that the National Marine Fishery Service and the Pacific Fishery Management Council (PFMC) are beginning a required five-year review of Essential Fish Habitat (EFH) areas along the West Coast. EFH are areas of good habitat, considered to be “essential” in certain life stages of fishes. There already exists extensive EFH areas. 3.8 million acres along the central coast are already set aside by these agencies as essential fish habitat wherein all bottom trawling is prohibited. Additionally, in 2007 the Monterey Bay National Sanctuary was able to close 775 square miles along the Davidson Sea Mount off shore Moro Bay to bottom trawling and all other bottom contact gear. Nevertheless, the *Monterey Sanctuary has expressed its intent to develop a proposal for Essential Fish Habitat* during this review. It remains to be seen whether the Sanctuary will choose to constructively and collaboratively work with the fishing community to gain their support for such a proposal. Or conversely, will the sanctuary attempt to create its own EFH proposal, and use its “bully pulpit” to get the Federal fishery management agencies to give it what it wants? If the PFMC does not believe that a Sanctuary request is scientifically justified, there exists the possibility that the Sanctuary would actually change the Designation Document to give itself the authority to regulate fishing, and create its own additional special closures. This would be the ultimate violation of the promise made to fishermen. The fishing community very much hopes that they will abide by its promise both to the letter and in the spirit in which it was made, create constructive relationships with the fishing community, and move forward in a truly cooperative manner.

Fishermen from the west coast and in other parts of the Nation have observed what has unfolded with the Monterey Sanctuary’s relationship with the fishing community. It is safe to say that a great majority are extremely suspicious and resistive of sanctuary designations for their areas. The MBNMS is widely seen as an agency that either doesn’t base its decisions on science, or cherry-picks the science, has significant issues in its public processes, and has broken its promise made to us, in the spirit it was made.

Some people may feel that the sanctuary does need to protect living sanctuary resources from fishermen and perhaps feel that over-fishing and habitat destruction are occurring. This is not the case. The West Coast of the United States and specifically Central California is the most highly protected and regulated area in the world. [*“Rebuilding Global Fisheries”, 2009*]. Through the actions of the State Department of Fish and Game, the Fish and Game Commission, the Pacific Fishery Management Council, and the National Marine Fisheries Service, fisheries are managed through a science-based process called Fishery Management Plans. These plans aim at both providing conservation benefits for habitats, and also assure sustainability of the fish stocks. Additionally, other Federal laws such as the Marine Mammal Protection Act, the Seabird Protection Act, the Endangered Species Act, and others, have provided lasting protection for mammals and birds and have directly resulted in the growth of those animals. It is not Sanctuary designation that protects these fish and animals, it is existing Federal and State law that does so. Other state laws, such as the Marine Life Protection Act, gave the central coast over 30 MPAs in state waters. Over four thousand square miles of the Sanctuary are already protected, through the actions of other agencies, in various forms of MPAs. The central coast is well protected already.

The MBNMS has made some gestures to create goodwill with us fishermen. A “put a fisherman in a classroom” program was created by the MBNMS, and it has been a great thing to have fishermen talk to young people about how they produce food. Also, the Sanctuary has used an experienced Moss Landing fisherman to help recover lost fishing gear off the seafloor. This project has been a collaborative effort, with the MBNMS staff wanting to learn from the fisherman. These are good things, and are appreciated.

To conclude, in 1992, upon hearing the assurances that we didn’t need to worry about the new sanctuary threatening our livelihoods, fishermen actively supported the creation of the MBNMS. Fishing representatives went to Washington, D.C. to lobby Congressional support. We wanted then what we still want: a good relationship with the MBNMS, collaborative research, improved water quality, and the ban on oil and gas development. We also want the MBNMS to uphold the promise made to us in the spirit in which it was made.

TOM ROTH

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#### 02-20-15 SANCTUARY LETTER

Well, the sanctuary question is back on the table. This issue seems to arise every few years since Monterey got their sanctuary. This one is in the form of the Chumash Heritage National Marine Sanctuary. The commercial fishermen in our county are unanimously against it, and we have spoken to various sport fishing groups and have yet to find any one of these groups in support of a sanctuary in our area.

The sanctuary issue is a very big concern, not only for the fishing industry, but the entire county. This is an issue that should not be taken lightly. When we invite the Federal Government to take over control of our resources, we, meaning our communities, will lose the ability to manage our beaches, our ocean, our ports and our harbors.

The cost to communities for additional Federal regulations governing areas such as run off and discharges, currently administered by local and state government, will increase dramatically. These costs will severely impact our harbors and ports, increasing the difficulty for projects necessary for their operations, such as, dredging, soil samples, construction of docks and slips, as well as maintaining structures that are currently in place. Once we take on these additional layers of bureaucracy and find out in the future about the problems it causes, we will not be able to turn back.

Proponents of the National Marine Sanctuary issue have proclaimed there will be no loss of local control. Unfortunately, this is not true as “National Marine Sanctuary” clearly implies management will not be local but rather at the Federal level.

California Marine Affairs and Navigation Conference, or C-MANC, is a group of all of California’s harbors and the cities affiliated with those harbors. This group encompasses the area from San Diego to Crescent City, the entire length of our state, and deals directly in many of these areas with National Marine Sanctuaries, such as the Monterey Bay National Marine Sanctuary, the Cordell Bank National Marine Sanctuary, and the Channel Island National Marine Sanctuary.

C-MANC has issued a legislative policy statement concerning marine sanctuaries, which consists of a list of five problems. Some of those problems include disposal of dredge materials, and requirements to the already burdensome Federal and state processes, vessel traffic, fishing regulations, either direct or indirect, and general maintenance issues. And finally, C-MANC’s legislative policy reads: “C-MANC recommends suspending the expansion of existing sanctuaries until the problems identified above are resolved.” We should remember these are the representatives of their respective areas, many who are living under the umbrella of the National Marine Sanctuaries.

Our county, cities, towns, and commercial and sport fishermen have long been very outstanding stewards of our ocean. We work with many state, Federal and environmental groups, as well as universities and colleges. The Central Coast has been the “poster child” of how to do things right in many discussions and meetings held in California, on the East Coast as well as our Nation’s capital, Washington, D.C. And finally, it is important to remember the amount of fishing grounds closed to some form of fishing, those include Marine Protected Areas, Essential Fish Habitat Areas, and Rock Cod Conservation Areas. I think we can be very proud of our stewardship of the Central Coast.

I guess I just love the Central Coast, and when my wife and I step outside and look around, we remind ourselves every single day of what we have here. We do

not think additional layers of bureaucracy would be in the best interest or add to the beauty of this area.

JEREMIAH O'BRIEN,  
Morro Bay Commercial Fishermen's Organization.

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02-21-15 LETTER TO BILL DOUROS,  
DIRECTOR OF WEST COAST NATIONAL MARINE SANCTUARIES

Mr. Douros,

RE: Oppose: Chumash Heritage National Marine Sanctuary

Re: "Chumash nominates coast for sanctuary status". Despite the tone given to the article, as people get beyond the fluff of the name sanctuary, there will be significant agency and stakeholder opposition. Having a new Federal agency own our resources will add another unwelcome level of Federal regulation. The sanctuary program officials say this about local stakeholder interests:

"The fact is that sanctuary values are a national resource. Those who use the resource have no more right to expect the continued use of the resource than one who is not a direct user of the resource and wants that resource to be conserved." (NOAA publication "Valuing our National Marine Sanctuaries", Wiley, 2003). Recreational and commercial fishermen, divers, growers, agencies with ocean infrastructure, ocean-front property owners, all should be concerned. Even the sovereign Native American Tribes in the Pacific Northwest have expressed deep concern about sanctuary management.

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MARCH 12, 2015, LETTER TO THE EDITOR

The Chumash National Marine Sanctuary proposal as submitted by Fred Collins from the northern Chumash Tribal Council was rejected on March 6, 2015, by the Office of National Marine Sanctuaries. It appears the reasons were lack of information and incomplete data on the application. In the letter of rejection it seems to encourage them to resubmit their proposal. Many of us have been trying to educate the public as to why it is not a good idea to turn over our ocean and beaches to Federal control. We, therefore, will look at this situation as a temporary setback for them and continue educating the public as to the many problems associated with a National Sanctuary system. We will be interested in the content of the new proposal as the rejection letter described many of its deficiencies in the area of management. This is the area that has many of us here on the Central Coast concerned. Losing or giving up control of our resources to Federal management would be a shame. We believe our community is the best manager and steward of our coast, and our past performance speaks for itself. We only have to walk outside our door, take a deep breath, look around, and realize we have done well, and we will continue that tradition on our own.

JEREMIAH O'BRIEN,  
*Director,*  
Morro Bay Commercial Fishermen's Organization.

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06-12-16 LETTER TO THE EDITOR OF TELEGRAM TRIBUNE

THE SANCTUARY ISSUE:

The Chumash Sanctuary continues to go on and on even when the one and only legitimately recognized Chumash tribe sent a scathing letter to Lois Capps for her support of the proposed sanctuary. This letter was signed by Kenneth Kahn, the Chumash tribal leader and chairman. It stands to reason, then, that support for a Chumash Sanctuary that is not supported by the Chumash tribe, coupled with our current Congress person, who obviously does not support the tribe, goes to show that the needs and wishes of the tribe continue to be ignored by many.

If the Federal Government wants to do something for the Chumash, or any other tribe, they would address the real needs of the people and not put some gratuitous name on a marine protected area that will be no help at all to the real wants and needs of tribal members.

As a longtime fisherman on the Central Coast, I believe our ocean and shoreline is as near perfect as anywhere on earth. Therefore, I cannot understand why people think that bringing the Federal Government here will improve our coast. I have to

reflect on exactly what it is that the Federal Government has improved for us lately. I guess it goes back to the old adage, "IF IT'S NOT BROKEN, PLEASE DO NOT TRY TO FIX IT." We have been doing fine, folks. Support local control.

JEREMIAH O'BRIEN,  
MBCFO

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12-16-16 LETTER TO THE EDITOR OF THE TELEGRAM TRIBUNE

Since November, the Sierra Club, as well as Surfrider and EcoSlo, have had full-page ads in the Telegram Tribune telling of what to expect, in their opinion, from a sanctuary in our area.

They indicated sums of money the sanctuary generated annually from commercial fishing and jobs in the commercial fishing industry that sanctuaries support. As a member of the fishing community for 37 years here on the Central Coast, I know what they have written is unequivocally false.

The Monterey Bay National Marine Sanctuary in 1992 guaranteed us and made it part of their designation document (contract) that they would not manage fisheries. The sanctuary had multiple infractions of this rule in which they helped to close many areas to commercial fishing in flagrant disregard for our contractual agreement. The most recent of which I spoke to at the Pacific Fisheries Management Council meeting.

The commercial fishing industry does not have the resources to buy full-page ads in our local paper. Please look at our website, [www.opccoalition.com](http://www.opccoalition.com), to get an honest review of the sanctuaries.

Please do not give up local control and management to the Federal Government. We have all been doing a wonderful job of stewardship.

JEREMIAH O'BRIEN,  
MBCFO.

## ATTACHMENT



December 16, 2016

Mr. John Armor, Director  
 NOAA Office of National Marine Sanctuaries  
 1305 East-West Highway, 11th Floor  
 Silver Spring, MD 20910  
[sanctuaries@noaa.gov](mailto:sanctuaries@noaa.gov)

RE: Remove the Chumash NMS proposal from the Site Evaluation List

Dear Director Armor,

We are writing on behalf of the Our Protected Coast Coalition (OPCC), which was formed to provide a unified voice of **opposition** to the nomination of the Central Coast of California as a "Chumash Heritage National Marine Sanctuary".

On October 21, 2016, members of OPCC provided public testimony to the Monterey Bay National Marine Sanctuary's Advisory Council, detailing the strength of opposition to the Chumash Heritage NMS proposal. Speakers puzzled aloud how you could have claimed, as you did in your October 6, 2015 letter, that there is evidence of "broad community support" for the Chumash nomination. At minimum, you were misinformed on this point, or you chose to disregard the significant opposition. As you must know, our organization has submitted a Freedom of Information Act request for information about how the Office of National Marine Sanctuaries came to make such a flawed determination of "broad community support".

Along with several hundred local citizens and individual small businesses, the following elected officials, agencies, and organizations, have gone on record as opposing the Chumash NMS nomination:

Tribes:

- Santa Ynez Band of Chumash Indians—the federally-recognized Tribe
- Salinan Tribe of Monterey & San Luis Obispo Counties

Elected Officials:

- California State Assemblyman Katcho Achadjian
- Grover Beach Mayor John Shoals
- Pismo Beach Mayor Shelly Higginbotham
- Former Morro Bay Mayors Janice Peters, Bill Yates, and Rodger Anderson
- San Luis Obispo County Board of Supervisors Lynn Compton, Debbie Arnold, and Supervisor-Elect John Peschong

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- Santa Barbara County Board of Supervisors Peter Adam and Steve Lavagnino
- Former Congresswoman Andrea Seastrand

Agencies:

- Port San Luis Harbor District, Resolution # 15-08
- City of Morro Bay, Resolution #'s 00-36; 01-15; 03-27; and 12-18
- Morro Bay Harbor Advisory Committee

Organizations:

- San Luis Obispo Chamber of Commerce
- Morro Bay Chamber of Commerce
- Coalition of Labor, Agriculture, and Business of San Luis Obispo County
- Coalition of Labor, Agriculture, and Business of Santa Barbara County
- Pacific Coast Federation of Fishermen's Associations—the largest commercial fishing organization on the west coast
- Recreational Fishing Alliance—the largest recreational fishing organization in the US
- Alliance of Communities for Sustainable Fisheries—a 501-c-3 organization representing commercial and recreational fishing for six Central Coast port communities
- Morro Bay Commercial Fishermen's Association
- Port San Luis Commercial Fishermen's Association
- Commercial Fishermen of Santa Barbara
- Southern California Trawler's Association
- Morro Bay Community Quota Fund
- California Salmon Council
- Arroyo Grande Sportsman's Club
- San Luis Obispo County Cattlemen's Association
- Forest Preservation Society
- California Marine Affairs and Navigation Conference—representing all CA ports, including the very largest
- California Association of Harbormasters and Port Captains—a 68 year old professional organization of mostly public agencies
- Republican Party of San Luis Obispo County

It is likely that this list will continue to grow.

As you will surely recognize, these officials, agencies, and organizations represent many thousands of supporters and constituents. Some on this list appreciate some of the benefits that may come with a NMS designation, while also calling for certain key changes in the sanctuary program before support can be lent. Some see this issue as divisive, with a much broader level of support needed. Most, including fishing people and other resource users, question the need

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for further federal oversight when so many federal and state laws protect and manage our ocean resources. Most also are unimpressed with NMS transparency and public involvement in management decisions.

Please realize, Mr. Armor, that your decision to disregard the public opposition to creating a new federal bureaucracy—a NMS—overseeing our precious coastal waters, constitutes the Central Coast's first taste of what sanctuary management will be like for local citizens.

Please remove the Chumash—or any other Central Coast of California—NMS proposal from the Site Evaluation List.

Sincerely,

Tom Hafer  
President  
Morro Bay Commercial Fishermen's Assn.

Butch Powers  
President  
Port San Luis Commercial Fishermen Org.

David Kirk  
Chairman  
Port San Luis Harbor Commission

Jeremiah O'Brien  
Past President  
Morro Bay Commercial Fishermen's Assn.

CC: William Douros, NOAA West Coast Region, National Marine Sanctuaries  
Congressman Kevin McCarthy  
Congressman-Elect Salud Carbajal  
Clerk of the San Luis Obispo County Board of Supervisors  
Steve Lavagnino, Santa Barbara County Supervisor  
Peter Adam, Santa Barbara County Supervisor  
Janet Wolf, Santa Barbara County Supervisor  
PJ Webb, Monterey Bay National Marine Sanctuary Advisory Council Chair

## 02-05-17 LETTER TO THE EDITOR OF THE TELEGRAM TRIBUNE

Many Thanks to the County Board Members that Support the Fishermen:

Many thanks to the County Board members that support the fishermen, ranchers, farmers, and our ports and harbor districts in SLO county regarding the Chumash Heritage National Marine Sanctuary issue. The supervisors that did not support us claimed that this was about oil. This issue has nothing to do with oil. It has to do with the livelihoods of those of us that make our living on land and sea. We are here to protect our livelihoods from Federal intrusion and nothing more. One of the supervisors claimed they would not manage fisheries. Well, I can assure the public that he nor anyone in our county will be making that decision. It will be made in Washington, D.C. just like all of the hundreds of other rules that will be made regarding all national sanctuary management. Federal rules are not made by cities, counties, or states. They are made only by the Federal Government.

JEREMIAH O'BRIEN,  
Morro Bay Commercial Fishermen's Organization.

Senator SULLIVAN. Thank you, Captain O'Brien, and we will submit for the record all of your written testimony in addition to your oral testimony.

I would now like to turn to Vice Admiral Lautenbacher for his 5-minute opening statement.

Sir, the floor is yours.

**STATEMENT OF VICE ADMIRAL  
CONRAD C. LAUTENBACHER JR., FORMER ADMINISTRATOR,  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Admiral LAUTENBACHER. Thank you, Mr. Chairman and Ranking Member Peters and distinguished members of the Committee, as well as staff. Thank you for the opportunity to appear before you today.

I'd like to go back to the bigger picture for just a minute as we move on, and these comments that I've heard are very disturbing to me, having been in this hearing room a number of times and not heard these kinds of things. So, you know, this is the blue planet. We depend on the ocean, the ocean we came from. This is what supports us. Twenty percent of the protein for the world comes from the ocean, and the ocean needs to be healthy. The ocean is not healthy right now, and I include the Great Lakes in that. The Great Lakes have issues, too, in terms of pollution and species and closed beaches, et cetera. So we have the need to maintain, to bring this ocean back.

As we increase the number of people on this planet—there'll be 9 billion to 10 billion pretty soon in a couple of generations—we need to feed them, we need to clothe them, we need to house them, we need to do a lot of things. So we have to take into account a whole bunch and range of things to do.

Now, the Sanctuary Program is a vehicle—it was created by Congress, and it's perfectly right and fitting that Congress review it and reauthorize it as necessary, because things change, and this is a very difficult area. When I first sat in this room to be sworn in, it never occurred to me how much time I would spend on fisheries as the head of NOAA, and I assure you that the head of NOAA spends maybe more than 50 or 60 percent of the time on fisheries, and what you heard here is one of the reasons and why it's important, why it's very, very important. So we need to figure out how to do this correctly.



Now, the concept of marine sanctuaries is a very good one. The idea is trying to have sustainability but yet take into account all of the kinds of things that we need to have a viable society, that's economically viable, that's going to be sustainable, et cetera, that supports the local people who live and work and need those areas desperately. So I support whatever can do that, and I spent a lot of time trying to do it, and I'm sure the people who followed me did it as well. So I'm there on that.

Now, in terms of the designation of it, this is a process that is very thorough. It doesn't mean it can't be corrected or changed. It should always be reviewed. If there are some things you can do to make it more streamlined and more, shall we say, brokered in a way that everyone considers fair, that would be certainly a good thing to work on. But the fact is that the way we have it today, it takes a long time to create a sanctuary. The processes that NOAA set up, even to nominate somebody to even be considered—that wasn't in the process when I was the head of NOAA, and I required people to have really good reason if they were going to come in and have a new sanctuary. It had to be ecosystem, fisheries—you had to go through the science, and, hopefully, that's still being done.

But that kind of rigor is needed, and I think that NOAA's new process does that, because it requires the community come in with all their information and bring the whole community together, which includes the fishermen as well as the environmentalist and the economic developers of the area. So let me stop on that for a minute.

The economic value has been proven. This is \$8 billion of development that occurs, and salaries and fallout, if you want to call it, the secondary effects in the areas that have marine sanctuaries. And, by and large, when I've talked to sanctuaries—I admit I haven't talked lately, because I left in 2008. So, anyway, the people that lived in those areas liked the sanctuaries, and they liked the system where they participated. Fishermen were on the boards. They had participation before rules were changed.

And I might point out that according to what the group told me today, there are only five sanctuaries that actually have additions to fisheries rules that haven't been already put in place by the National Marine Fishery Service from the Magnuson-Stevens. So that's good.

With that, let me close. I'm running out of time. I thank you, sir, for your—and I have written testimony for you.

[The prepared statement of Admiral Lautenbacher follows:]

PREPARED STATEMENT OF VICE ADMIRAL CONRAD C. LAUTENBACHER, JR., FORMER  
ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Good morning, Mr. Chairman, Ranking Member Peters and Members of the Subcommittee. Thank you for the opportunity to testify before you today on the role that National Marine Sanctuaries play in marine conservation and the nomination and designation process for these sanctuaries.

As requested I will also include comments on the coordination between the Sanctuary Program and Fishery Management Councils, the role of stakeholders, the new nomination process for sanctuaries, and the contribution of sanctuaries to the economy.

### **National Marine Sanctuaries and Conservation**

As a short preamble to the specific topics requested, I emphasize that a major purpose of the programs under question is to contribute to the maintenance of a healthy ocean including the Great Lakes. The ocean today is not healthy; much more needs to be accomplished to reverse the course of decline that has occurred over the last century or more. The worldwide rates of decrease in diversity and quantity of fish stocks, the increasing acidity of the ocean, the proliferation of marine debris, particularly plastics, and the destruction of coastal estuarine areas that provide protection and habitat for the human race and their economies around the world are alarming, and require our highest priority to reverse. At the same time, the world population is increasing rapidly to levels which could easily top 9–10 billion within the next two generations.

National Marine Sanctuaries play a major role in stemming this decline and with increased support can play a major role in actually reversing the downward trend. Managed protected areas have been proven to restore fish populations where depletion has already occurred. Their example in fostering economically beneficial conservation can serve as a model to the world.

### **Designation**

Congress emphasized in the creation of the National Marine Sanctuaries Act (NMSA) that the legislation was to allow for multiple uses in the ocean. It was purposely intended to allow compatible, multiple uses of the ocean suited to the needs of stakeholders and delivering economic benefit while conserving the resources. In essence, Congress intended through the NMSA to create a management system for the entire marine environment that balanced conservation and human activities sustainably.

The NMSA created National Marine Sanctuaries to consist of special areas in marine and Great Lakes waters that protect nationally significant natural, historical, and cultural resources. NOAA manages 13 national marine sanctuaries tailored to the areas of coverage by each to preserve and ensure that invaluable ecological services will be maintained in perpetuity for future generations. Note that a healthy ocean is the basis for thriving recreation, tourism, and many other diverse commercial activities that drive coastal and national economies.

The National Marine Sanctuaries Act authorizes the Secretary of Commerce, through NOAA, to identify, designate, and protect areas of the marine and Great Lakes environment with special national significance due to their conservation, recreational, ecological, historical, cultural, archeological, educational, or esthetic qualities. Sanctuaries are designated by NOAA under the NMSA or through Congressional action and are managed by NOAA using the authorities granted through the NMSA.

The designation process is long and complex, designed to be an extensive public activity, including robust community engagement, stakeholder involvement, and citizen participation.

There are four phases:

- Scoping including the announcement of intent to designate;
- Sanctuary proposal with draft management plan and an Environmental Impact Statement;
- Public Review to consider all input, including among others, Congress, regional fishery councils, and local governments;
- Sanctuary Designation which sets forth the final decision and includes the final organizational documents.

This entire process is complex, and is inclusive, involves many meetings, reviews, formation of a community based Advisory Council, setting up a local office, and fully engaging the community, as well as national organizations with local interests. It is a process that routinely takes years to complete.

### **Nomination**

It should be noted that the process just described details how a Sanctuary is designated as such according to the NMSA. There is also a process initiated in 2014 for “nominating” candidates for “designation” as a National Marine Sanctuary. Be aware, they are very different processes. There are six steps in nomination process, <http://www.nominate.noaa.gov/nominations>:

- Step 1. A community builds a nomination, and every nomination begins at the community level.
- Step 2. The community submits the nomination to NOAA after gathering the necessary information.

Step 3. NOAA provides an initial review and may decline or return to the community for additional information.

Step 4. NOAA takes a close look at nominations that met Step 3 goals and may bring in outside reviews as well as work with the community to answer any questions that arise. This is serious and comprehensive vetting for meeting all the parameters of a viable Marine Sanctuary.

Step 5. Nomination is accepted if step 4 successful.

Step 6. Nominated area is added to the inventory of potential candidates for designation at some time in the future.

To date, there have been:

2 nominations declined by NOAA,

5 nominations accepted and added to the inventory, and 2 nominations selected for entry into Sanctuary designation:

Mallows Bay—Potomac River (Maryland, Potomac River) and Lake Michigan (Wisconsin).

### **Economic Benefit**

National Marine Sanctuaries bring significant overall economic benefit to the Nation. Across all national marine sanctuaries, about \$8 billion annually is generated in local and ocean dependent economies from diverse activities including among others: commercial fishing, research, recreation, and tourism-related activities.

One small example of economic activity: between 2010 and 2012, there were on average,

\$155.6 million in spending for recreational fishing in the four California national marine sanctuaries. The spending generated, with multiple impacts, \$213 million in output, \$129 million in value-added (gross regional product), and \$74.6 million in income, which supported 1,376 jobs in the coastal counties of California.

Additional detailed examples of the extensive economic impact of Sanctuaries can be found on the NOAA website, <http://sanctuaries.noaa.gov/science/socioeconomic>.

But the bottom line is that National Marine Sanctuaries provide a very significant economic benefit to the stakeholders in the regions in which they operate. And thanks to the NMSA, stakeholder representatives serve on the advisory boards that contribute directly to sustainable management of our natural resources. Also significantly contributing to the local and regional connections are the local sanctuary management offices staffed with knowledgeable people who live in the area.

### **Sanctuaries and Fishing Regulation**

The regulation of fishery resources in national marine sanctuaries is a collaborative process, where sanctuary managers work with other fishery managers in the region to ensure that these important resources are protected. The NMSA provides sufficient authority to regulate fisheries and fishing activities as necessary to address specific issues at a particular sanctuary. Any such regulation would be developed in cooperation with appropriate state and Federal authorities as well as fishery management councils.

By and large, fishing regulations in most of the sanctuaries are enacted by other government or state agencies. These rules have been, and continue to be evaluated to ensure they meet the requirements of the NMSA. Additional regulations are put in place only after consultation with all parties involved, including the relevant Fishery Management Council (FMC). There are only five such situations: Monitor (NC), Florida Keys, Flower Garden Banks (TX), Channel Islands (CA), and Gray's Reef (GA). In Federal waters, the relevant FMC would be given the opportunity to prepare draft sanctuary regulations to start the process. In the end however, if these rules were not sufficient, and all mediation failed to resolve differences, NOAA would be required to prepare rules that conform to all national regulatory guidance.

### **Marine National Monuments**

NOAA's Office of Marine Sanctuaries also manages two marine national monuments. Papahānaumokuākea and Rose marine national monuments. Papahānaumokuākea Marine National Monument was the outcome of what began as a sanctuary designation process in 2000 and then changed by President Bush declaring it a monument under the Antiquities Act in 2006. While not being managed under the full force of NMSA, the intense work accomplished at the stakeholder level locally and nationally created a strong majority coalition of organizations and citizens that strongly supported the President's action. The monument was then further expanded by President Obama.

In 2009, President Bush established Rose Atoll in American Samoa as a Marine National Monument and directed Fagatele Bay National Marine Sanctuary to begin developing a management plan to incorporate the area into the sanctuary. In 2012, at the culmination of a sanctuary management review process, NOAA expanded the sanctuary to include the area at Rose Atoll Marine National Monument. It should be noted that President Bush at the same time in 2009 also designated a long list of Pacific Ocean waters surrounding atolls and islands as marine national monuments, significantly increasing the areas in the Pacific under special protection. President Obama also expanded these areas as well.

My congratulations to both Presidents Bush and Obama and past Congresses for their bipartisan support of National Marine Sanctuaries and the protection of our marine resources for all Americans to enjoy!

Senator SULLIVAN. Well, thank you. This is an outstanding group in terms of differing views. So I want to dig into some of the questions.

First, there's a lot of focus on just a local input, local stakeholder input, and, Mr. Weiss, you talked about the PEER proposal, which I think, you know, in a lot of our views, that's kind of the worst case scenario, where you have a group that's not from Alaska, for example, making a NOAA proposal to lock up tens of thousands of square miles of the ocean. Fortunately, I think, as you mentioned, the process worked there.

But what I really wanted to touch on in terms of questions really for all the panelists is the integration of a sanctuaries designation and what goes into it, particularly in terms of rigorous science and data, and how that intersects or either trumps or oversteps with regard to the well-established Magnuson-Stevens Fisheries Council process, which—I think pretty much everybody here noted—works in a very collaborative, stakeholder, science-based approach.

I just want kind of your views, starting with Mr. Weiss, how you see these things working together or maybe not working together, and what more can we do? Because I think the Councils under the Magnuson-Stevens Act have a long track record of science-based sustainable management. They certainly do in Alaska. But what's the integration here with sanctuaries, and how do we balance what you said, Captain Hickman, the balance in the stakeholder input, which is very front and center on Magnuson-Stevens, but might be lacking in the sanctuary's designation?

I'll open that up to all four of you, because I think all of you touched on it in your testimony, starting with Mr. Weiss.

Mr. WEISS. Thank you, Mr. Chairman. I know about the North Pacific Council process and I know that all their work is about balancing those 10 national standards. They use the NEPA process and the Marine Mammal Protection Act and Dangerous Species Act. I don't know that the Sanctuaries Act employs all those. Perhaps the other gentlemen do know that, but—

Senator SULLIVAN. I don't think it does, which is part of the challenge.

Mr. WEISS. Well, I believe that the Council process is working and should be the controlling authority on this.

Senator SULLIVAN. Captain Hickman?

Mr. HICKMAN. Yes, sir. Thank you. I'll address your question in two parts. First off, you know, I look at the National Marine Sanctuary as like Yellowstone National Park. I mean, to be a National Marine Sanctuary, it needs to be a one-of-a-kind place. And, you know, what is nationally significant? I think that's the question

when we start going and diving into a lot of this. The Flower Garden Banks are nationally significant. There's no place like it. It's an amazing place.

Two, as far as stakeholder input or stakeholder involvement, to get to that point, we've got to have the ability for the local folks, the volunteers, the people from industry to be able to have some type of weight in the recommendations. Currently, like with the Flower Garden Banks, we had a recommendation that would work for all the user groups—oil and gas, fishing, diving, all these folks—and the agency went with something totally different, and it would be similar to Yellowstone National Park coming in and saying, "You know what? We're going to draw a buffer zone 20 miles out from Yellowstone National Park into these ranches, and we're not going to let you do anything in there, even though it's your—it's the property of the people or the property of the country."

That's what we've got to have. We've got to have grassroots folks that have a say-so in this. Currently, the way that the Act is, we don't have the ability, or we don't have—our voice doesn't have a weight. We can recommend something, but then they go and do something totally different, like what just happened with the Flower Garden Banks expansion. We want to expand that Flower Garden Banks into these other areas, but we want to do it right in a way that stakeholders can live with it, and that's not the way it happened.

Senator SULLIVAN. Captain O'Brien, do you have any sense, again, on the question of MSA, and same to you, Admiral, I'll pose that. It's a really critical question here.

Mr. O'BRIEN. In our experience, the Monterey Bay, particularly, as well as the Channel Islands, have used their influence and their direct participation in creating no-fishing areas. Now, in the state—the state was determined to create some no-fishing areas along the coast of California and extends the entire coast nearly 1,000 miles. So there's a staggered group of no-fishing areas along the coast now, implemented by the state but influenced by the Monterey Bay National Marine Sanctuary, particularly.

They use their influence and participated—I have a letter here from them thanking the state for their participation—I believe it was included in your packets—and in that five times. In the very first page of the letter, they said, "Thank you for your participation." But when they were closing these areas—the Blue Ribbon Task Force, which is in charge of designing these particular areas for the coast, for our section of the coast—the Monterey Bay National Marine Sanctuary indicated that it was not strict enough. They needed more.

So they did, and they were successful in closing even more areas to both recreational and commercial fishing, which, in numerous—I can't tell you the ways that it—we, by the way, did participate in that. Myself and a very good friend of my wife, in particular, participated in that and designed some of our own creations. We ended up losing a massive amount of productive area.

The ocean is very vast, as everybody here knows, but certain areas are very productive, and certain areas are non-productive and always will be because of the—just like the land. You know,

desert doesn't have a lot of wildlife, although it has some very good wildlife, and the ocean is very much the same.

So, in any case, our success with acting with the sanctuaries has been nearly zero. The Sanctuary Council, which is an advisory—and I highlight that word—to the sanctuary itself, is all—except certain positions such as area harbor masters and so forth—it's all appointed positions.

Well, in one instance, for example, we were appointing a very lovely lady, Kathy Fosmark. We, the fishing industry, supported Kathy for the fishing seat, and that position was opposed because the Sanctuary Director did not feel that she really represented the fishing industry. Well, Kathy's two children are fishermen, her husband is a fisherman, her dad is a fisherman, and she was supported by every fishing group in the state. But they said they didn't feel she really supported the fishing industry. We did finally get her in after going to many lengths, politically and so forth, to twist the arm of the Director. So this is just one of the many, many cases. But we have had very, very poor luck in talking to them.

Senator SULLIVAN. Admiral, any thoughts real quick? I'm going to turn it over to Senator Peters here for his questions, but just on that—you were at NOAA—that integration of the MSA and sanctuaries designation—very important, critical, really, that Congress take a look at it. But what are your thoughts on that?

Admiral LAUTENBACHER. Well, I spent a lot of time on Magnuson-Stevens, too, and it's a challenge. But the bill that we have today that we worked on and is in force is doing well. So I'm a big supporter of Magnuson-Stevens as it is. The Secretary of Commerce also has the same authority to appoint people to the fisheries councils, so, kind of, the buck stops at that point.

But the fact is, cutting to the chase, that the way it's set up now, the National Marine Sanctuaries Act gives them control over the fisheries, so they can—they trump whatever the fisheries—

Senator SULLIVAN. So it's a kind of veto power over the MSA process?

Admiral LAUTENBACHER. Yes, if they can't come to an agreement, et cetera, and they try hard to talk and back and forth, back and forth, and in the end, they can't come to it. I had a couple of situations like that and was able to arbitrate—mediate. I put mediate. I got both people to agree in a couple of cases where they could manage what they—you know, both sides agree.

But there are differences, and at some point, you have to have somebody that's authoritative that makes—or some process that makes it. So I will tell you that that is a difficult challenge in working it. The laws don't always mesh. They have various twists and turns in them, and that's one of them, and you're hearing the results of it today.

Senator SULLIVAN. Thank you.

Senator Peters.

Senator PETERS. Thank you, Mr. Chairman.

Admiral Lautenbacher, I want to follow up on some of the comments that you have made. First, I want to thank you for your service as both a naval officer and as a former NOAA administrator. I appreciate your service to your country.

In your testimony, you talk a great deal about the extensive public process, robust community involvement, from all sectors, all sorts of stakeholders. I mentioned that briefly in my comments from my experience in seeing what happened up in Thunder Bay in Michigan.

You mentioned the authorization over fisheries, but it's my understanding that there's a process before it gets to the sanctuaries, that there's—would you elaborate on whether or not that's really something that a sanctuary is going to do, to take over that kind of fishing regulation? Or where would that be in the process? Walk me through that.

Admiral LAUTENBACHER. Well, the Magnuson-Stevens rules apply, to start with, and the sanctuary gives—marine sanctuaries hierarchy or, you know, bureaucracy provides the opportunity for the fishery people to set what they want and set the draft rules, so to speak, the draft rules that—

Senator PETERS. They get the first bite at the apple?

Admiral LAUTENBACHER. They have the first bite at the apple, the draft rules, and then it's looked at by the sanctuary people, and if it's not enough, then they go back, and they talk and they talk and they talk, back and forth, back and forth. So it can go on for quite a while. Generally speaking, it comes to a conclusion, and, obviously, I haven't been around since 2008, so there are some things that are going on today that maybe haven't reached what I would call an amicable solution from both parties.

Senator PETERS. But from your experience, the attempt is to find—the parties to come together—

Admiral LAUTENBACHER. The attempt is to bring people together, and the attempt is to make sure before it even gets started that you have the basis on which to make a decision, make a decision that people agree to.

Senator PETERS. Which is the quote that I gave from the Commerce Secretary, that unless you have all the local stakeholders together, a marine sanctuary is not likely to be successful. This is not about railroading folks. It's about trying to bring everybody together—

Admiral LAUTENBACHER. Yes, sir. It is.

Senator PETERS.—to embrace the concept. And, usually, there is opposition on the front end, as we had in Michigan. But over time, those agreements are made, and folks hopefully see the success of the sanctuary if it is, indeed, successful.

Admiral LAUTENBACHER. That's why it takes years to create a sanctuary, actually.

Senator PETERS. Right. This is a very long and laborious process.

Captain O'Brien, your comments about Monterey—I want to have you elaborate on those, if you would, please, sir. It's my understanding that Monterey Bay has done work to promote commercial fishing. They've created a seafood cooperative called Real Good Fish. They're creating world histories on fishing tradition, implementing education programs, and, to my understanding, they have never promulgated any fishing regulation. Is that accurate?

Mr. O'BRIEN. Congressman Peters, that is absolutely not accurate as far as regulation goes.

Senator PETERS. As far as the sanctuary—now, I understand the state of California and the Marine Fishery Service—that they were the ones that did these regulations. It wasn't the sanctuary itself?

Mr. O'BRIEN. No, the sanctuary actively participated. Now, I think we have to go to a little history with our sanctuaries. Each and every sanctuary is different, and I'm thrilled, and I think that a sanctuary in your area, if it's working well, is a wonderful thing. And in Mr. Hickman's case here, he has also had that experience. We, unfortunately, have not.

So one might be good, one might be bad, and one might be in between. We, unfortunately, are suffering, I believe, with some of the worst management problems. I'm not saying the sanctuaries are bad. I'm saying the management problems are bad. So here's—I'm not going to read this letter, but this is from the—at this time—

Senator SULLIVAN. We can have that submitted for the record.

Mr. O'BRIEN. This was submitted, I believe, to your—

Senator SULLIVAN. Without objection.

[The information referred to follows:]

MONTEREY BAY NATIONAL MARINE SANCTUARY  
Monterey, CA, January 31, 2007

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service

Mr. MICHAEL FLORES,  
President,  
California Fish and Game Commission,  
Sacramento, CA.

Re: Monterey Bay National Marine Sanctuary comment on the Marine Life Protection Act Preferred Alternative

Dear Mr. Flores,

The Monterey Bay National Marine Sanctuary encompasses a large portion of the MLPA's Central Coast Study Region extending 276 miles from the Marin Headlands in the north, to Cambria in the south. *Sanctuary staff have appreciated the opportunity to be active participants in the current effort to designate marine protected areas (MPAs) on the central coast.* The mandate of the MLPA to protect the marine ecosystem while maintaining the opportunity for sustainable use parallels our own under the National Marine Sanctuaries Act. The current initiative has the potential to be a critical step in achieving those mandates and represents an opportunity to create a lasting milestone in effective marine conservation and management.

We would like to again commend the Department and MLPA Initiative staff on engaging in a tremendously public and open process that incorporated the perspectives of a wide range of stakeholders, and tapped the expertise of an impressive scientific advisory team. With stakeholders, scientists, Blue Ribbon Task Force members, the Commissioners and the public at large all contributing to the initiative, an unprecedented amount of community time and effort has gone into creating the package that the Commission adopted in August.

Overall the package that the Commission adopted does a good job of striking a balance between package 1 and 2R, and represents an effective MPA network that allows for fishing to continue. *However, we strongly recommend that the Commission view this package as the compromise that it is and not weaken it by choosing sub-options that would further undermine resource protection.*

We would like to also recommend that one change be made to strengthen the package in a critical way, which is *prohibiting the take of pelagic prey species such as sardine and anchovy at Portuguese Ledge in Monterey Bay.*

These species are a critical part of the trophic structure providing a food source for countless marine species including seabirds, marine mammals, and fish. By protecting their role in the ecosystem at this location it could significantly benefit the more resident benthic species in the area such as rockfish. Prohibiting the take of pelagic prey species here would also provide an opportunity to understand the trophic linkages between benthic and pelagic species through comparison to a simi-



lar proposed site in Monterey Bay, Soquel Canyon, where the take of pelagic prey species could be allowed. This is a connection that is not well understood and the network could provide an opportunity to understand this important ecological link.

The socioeconomic impact of disallowing pelagic prey species at Portuguese Ledge would be limited. The boundaries in Package P have changed somewhat, but they are still similar to 3R where the Portuguese Ledge area represented less than 1 percent of each of the fishing grounds for squid, anchovy and sardine. Additionally, while these species are an important forage base for the resident species in the area, they also quickly pass through. Fishing effort could therefore shift outside the MPA boundary without an effect on catch.

Again, we encourage the Commission to rely on the process that has led us to this point and not choose sub-options that would undermine the value of the MLPA on the central coast.

Thank you for the opportunity to comment on what will be a historic initiative. If you have any questions please contact Holly Price.

Sincerely,

KAREN GRIMMER,  
*Acting Superintendent.*

Mr. O'BRIEN. So this is written—I won't mention the name, but an Acting Superintendent of the Monterey Bay National Marine Sanctuary, and it's to the state, and it's a letter thanking them for allowing their participation in the Marine Life Management Act, which is the Act that closed our state waters. And it briefly—I'll just—"Sanctuary staff have appreciated the opportunity to be active participants in the current effort to designate marine protected areas, MTAs, on the central coast," and it goes on. There's many more factors of the participant.

Well, in the history of this, we thwarted twice the Monterey Bay National Marine Sanctuary. That was back in the late 1980s and early 1990s, and it was designated in 1992 with our cooperation, by the way. Leon Panetta—this is the third attempt, now. Leon Panetta was assigned to moderate—mediate, if you will—between the fishing industry and the sanctuaries. Well, at that time, he had language in their designation document and promises that they would never involve themselves with fisheries management.

Well, since then, we have spent—our industry and myself and many others—countless hours in time that we could have devoted to our families and our businesses on struggling with their attempts at management policy. Now, that was only one instance, by the way, that state—there is also—they participated in and are currently working with Pacific Fisheries Management Council, or trying to work through them, I should say, in changing some of the essential fish habitat areas, which is another thing that we worked on. We disagree with their position, and they should not be involving themselves in any management.

Senator PETERS. If I could just have a brief follow-up. So your concern, specifically, with Monterey Bay is in relation to fisheries regulations, the fact that there are no-fish zones. You mentioned the problems with the management. What about the management in terms of the other benefits of a sanctuary, whether it's cultural heritage, whether it's protecting marine mammals, whether it's increasing tourism to Monterey Bay?

Certainly, sanctuaries have a variety of benefits. Fishing is one of them, or fish management is one of them, but there is a long list of benefits. Would you say they have failed in all of those areas or simply in the fishing area?

Mr. O'BRIEN. No, I don't believe they've failed in all those areas, and there are benefits to a sanctuary designation. I believe what they have done in our case—and I will get back to your question—but in our case, it's a breach of trust. So we had made a deal. They caused a breach of trust.

Now, as far as the economics go, I don't believe there is a significant economic benefit. In your case, Congressman, there was, and that, again, is a wonderful thing. I have never heard of anybody—and I've been on the coast of California for 40 years now—anybody say they were going to Santa Barbara to the Channel Islands National Marine Sanctuary, or, for that matter, to Monterey Bay to visit Monterey Bay National Marine Sanctuary. They go there to visit the aquarium, which has no relation whatsoever to the sanctuary. They go there to see the fishing boats and the beautiful bay.

The sanctuaries are a wonderful thing if they follow what Congress, I believe, originally had designed them for. Involving themselves in management policies should not be their job. That's why we have the Magnuson-Stevens, and we shouldn't try to overlap two different—

Senator PETERS. Thank you. I appreciate it, Captain.

Senator SULLIVAN. Well, thank you, Captain O'Brien, and I want to thank the witnesses again. Senator Peters and I are heading back to the Armed Services Committee. We have a markup of the annual defense bill right now. In a show of strong bipartisanship, I'm going to hand the gavel off to my colleague from Massachusetts, Senator Markey, for questions and to close out the hearing. So I want to thank Senator Markey for that.

**STATEMENT OF HON. EDWARD MARKEY,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY [presiding]. Thank you, Mr. Chairman, very much.

Senator SULLIVAN. And I thank, again, the witnesses. Thank you very much.

Senator MARKEY. And thanks to Ranking Member Peters, and I thank all the witnesses, and it looks like I'll be the final questioner, so let me just get right to it.

Earlier this month, I met with a remarkable constituent, Kevin Powers, who was named the 2017 Sanctuary Volunteer of the Year for his contributions to the Stellwagen Bank National Marine Sanctuary. His work with an ongoing sea bird survey is helping to understand the food web necessary to support migratory birds as well as whales, dolphins, fish, and other sea life.

He has provided me with a letter on his work in Stellwagen as well as the broader contribution that Stellwagen makes to the coastal economy of Massachusetts and to understanding and protecting our incredible marine resources. And by unanimous consent, I will ask that this letter be included in the record.

[The information referred to follows:]

June 23, 2017

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

As the 2017 Volunteer of the Year honored by the National Marine Sanctuary Foundation during Capitol Hill Ocean Week last week, I wish to share my understanding of the benefits of national marine sanctuaries for myself, my community, public access, science and economy from sanctuaries using my involvement with the Stellwagen Bank National Marine Sanctuary (SBNMS) in Cape Cod Bay, MA as an example. Since my retirement in 2013 I have volunteered at SBNMS as a member of the Sanctuary Advisory Council (SAC), a contributor to a research program involving satellite-based telemetry of a seabird (Great Shearwater) and a participant in a citizen science program that systematically surveys seabirds in the sanctuary 5–6 times a year. Prior to my retirement I was a seabird biologist from 1976–1983 both in the Atlantic and Pacific Oceans.

Through my own prior research in this area and that with SBNMS since 2013 it is obvious to me that calanoid copepods and a forage fish called sand lance (*Ammodytes dubius*) form a core fabric of the food web for seabirds, whales, dolphins, seals and selected species of ground and mid-water fishes (which includes mackerel, cod and sea herring) in the southwest Gulf of Maine. A recent workshop (May 2017) was convened by the U.S. Fish and Wildlife Service at the Parker River National Wildlife Refuge in Newburyport MA to gather academics, research groups, and government agencies to discuss available information on sand lance, detail existing research underway and by whom, and compile a publishable document on the importance and vulnerability of this forage fish in this marine community. To this end the New England Fisheries Council was strongly encouraged to pursue an ecosystem-based policy for their management of harvested groundfish and mid-water fisheries. The basis of this encouragement is that is necessary to factor in take/harvest for all marine predators (*i.e.*, seabirds, whales, seals) when setting limits for commercial harvesting of specific fisheries, not just limits (*i.e.*, takes) for commercial fishermen. None of this recognition and action would have been possible if were not for the SBNMS and their internal research program on sand lance and its connection to marine predators such as seabirds and marine mammals.

The SAC at each national marine sanctuary provides representation for a most diverse group of stakeholders. It represents commercial interests (*e.g.*, fishing, whale watching, diving, etc.), law enforcement, government agencies (state and federal) and research organizations. From my perspective as a seabird biologist and volunteer of the year, SBNMS represents an important marine area that requires the recognition and protection as afforded by its national marine sanctuary status. All interests have a collective reason to meet and discuss its health and future.

SBNMS offers educational outreach to surrounding public schools and partners with other educational groups to reach and educate the public, in particular youth, about what is available to them in the sanctuary.

SBNMS is diverse both economically and environmentally. The commercial shipping lanes that take cargo to and from Boston move through the sanctuary. In the past decade SBNMS was able to enable a change in the earlier configuration of the shipping lanes, which had been routed through the most heavily used southern part of Stellwagen Bank by endangered Right and Humpback Whales, to an area that mostly avoided these critical feeding areas without undo hardship to commercial shipping. This change provided an immense environmental benefit in that it reduced the number of whales struck by cargo vessels.

During my trips on the citizen science seabird surveys, I have met a diverse background of volunteers. These volunteers included professional engineers, scientists, educators, students and bird watchers who wanted an opportunity to have an experience on the ocean, learn new skills, or create new networking contacts to get a job or start a career. In all cases, they took personal time off from their existing work in order to participate.

There is a growing community of people from both sides of the Atlantic Ocean that come to Massachusetts to see marine mammals (whales, dolphins and seals) and seabirds. Commercial ventures for whale-watching and sea birders exist in coastal towns from Boston to Provincetown. These boat operators primarily go to

SBNMS. Recreational and charter fishing tours also go to SBNMS. These commercial enterprises advertise SBNMS in their marketing. The towns in which these enterprises operate benefit from dining and parking revenue.

America's national marine sanctuaries, including my very own Stellwagen Bank in Massachusetts, are national treasures that protect natural, cultural and historic resources in the ocean and Great Lakes on behalf of the American people for current and future generations. I thank the subcommittee for the opportunity to provide this letter of support for our Nation's national marine sanctuaries.

Sincerely,

KEVIN POWERS,  
*Stellwagen Bank National Marine Sanctuary Volunteer,*  
Plymouth, MA.

Senator MARKEY. Dr. Lautenbacher, how do marine sanctuaries with their citizen science support help scientists from NOAA and other research institutions to better understand the ocean and our marine resources?

Admiral LAUTENBACHER. The sanctuary office itself has a number of experts that are involved and understand ecosystems, understand fisheries management, understand the various factors that are involved. So there's a good deal of science that goes into understanding it. There also is a good deal of conversation and connection with the local experts who are out there in the water with fishermen and people who are with the local universities. So there's a web and a connection of people trying to provide the best information available at the time, and it can come from a variety of sources, as I've just mentioned.

Senator MARKEY. So Stellwagen Bank National Marine Sanctuary in Massachusetts was just named the number one best place to see aquatic life by *USA Today*. Nearly a decade ago, a study found that tourists spent more than \$125 million to travel to and visit the Stellwagen Sanctuary in 2008. How, in your experience, Admiral, do marine sanctuaries contribute to the coastal economies of communities that are nearby?

Admiral LAUTENBACHER. They're enormously effective. The total that we have is about \$8 billion a year in terms of development and providing additional income and secondary effects in the coastal areas where they are. So overall—I can't claim that every one is equal, but overall, that's what they get. And, normally, things like recreational fishing and commercial fishing does even better. You're into the \$100 million, \$150 million range for a year or so that you're getting in these various areas. So it's a reasonable—we're talking serious money. It's not something to throw away, and that's why these gentlemen are here.

Senator MARKEY. So in your opinion, is it in America's interest to have a system of marine sanctuaries and protected areas, Admiral?

Admiral LAUTENBACHER. Yes, it is. It is in our interest. It is in the world's interest. It is in our interest as well, definitely.

Senator MARKEY. Based on their studies of where whales are congregating, Stellwagen Sanctuary staff and NOAA have partnered with the International Maritime Organization to redirect the Boston shipping lanes and protect endangered whales off the coast of Massachusetts. The shift cuts the risk of vessel collisions with critically endangered right whales by an estimated 58 percent and all other baleen whales by 31 percent.

Dr. Lautenbacher, do marine sanctuaries generate information about the ocean and marine life that is important for commercial activities as well?

Admiral LAUTENBACHER. Yes, they do, and they accept it from the local sources as well as their own experts, or at least they're supposed to. I'm speaking for the time that I was there, since I left in 2008. I'm sure that there are still some very well-meaning people running the organization. But that's the idea. The idea is to get the information from the fishermen, from the people who are on the water, and the people who use it for various purposes, whether it be recreation or for whale watching or recreational fishing. All of that counts.

Senator MARKEY. In your testimony, you mentioned that, "The ocean today is not healthy." From your perspective as a former NOAA Administrator, how do marine sanctuaries help the ocean regain its health?

Admiral LAUTENBACHER. They help by having a structured regime that's monitored by a management staff as well as the advisory board and the people that are there and the good folks that you listened to that are sitting next to me that are using today—using those sanctuaries. Having that managed process—and if you go back and look at most of the—well, every paper that I've seen that's responsible—if you're able to control to a certain extent fisheries at the right level, you can re-stimulate even areas which have been fished out, supposedly. You can't go too far because you destroy the food chain—the food web, which is very hard to restore once you do that, like what's happened in Canada. But in the United States, we've not reached that point yet.

But still, if you preserve areas and reduce or at least monitor—and the National Marine Fishery Service does that in its setup—you will regain the structure of the fishery. So you can actually recover, based on the kinds of rules that are set up, if they're set up carefully and they're monitored.

Senator MARKEY. The hearing record will remain open for two weeks. During this time, Senators are asked to submit any questions for the record. Upon receipt, the witnesses are requested to submit their written answers to the Committee as soon as possible.

We thank each of the witnesses for their participation here today. And with that, this hearing is adjourned. Thank you all for your cooperation and your help.

[Whereupon, at 10:36 a.m., the hearing was adjourned.]



## A P P E N D I X

### PREPARED STATEMENT OF KRISTEN J. SARRI, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL MARINE SANCTUARY FOUNDATION

Mr. Chairman, Ranking Member Peters, and members of the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, thank you for the opportunity to submit written testimony regarding the National Marine Sanctuaries Act and the National Marine Sanctuary System. I provide this testimony on behalf of our national network of chapter and friends groups include the California Marine Sanctuary Foundation (CA), Cordell Marine Sanctuary Foundation (CA), Greater Farallones Association (CA), Friends of Thunder Bay National Marine Sanctuary (MI), Gray's Reef National Marine Sanctuary Foundation (GA), and Sanctuary Friends Foundation of the Florida Keys (FL).

The National Marine Sanctuary Foundation is a national non-profit organization whose mission is to conserve treasured places in our ocean and Great Lakes for current and future generations of Americans to enjoy. Founded in 2000, the Foundation promotes citizen science, research, conservation, education, and community engagement to conserve coral reefs, marine and Great Lakes habitats, protect places of cultural significance, and preserve our maritime history and heritage. Partnerships are critical to the National Marine Sanctuary Foundation's work. Through collaboration with local communities, businesses, government, corporations, and individual donors we increase our impact. To illustrate the importance and support for America's national marine sanctuaries from their communities, attached are 27 letters of support from local leaders from across the National Marine Sanctuary System, both sites under designation, and numerous sanctuary nominations.

The National Marine Sanctuary Foundation works to connect Americans to sanctuaries and to support critical research efforts to expand our understanding of ocean and Great Lakes ecosystems. We do this by supporting:

- Exploration expeditions to uncover shipwrecks in the Pacific and along the eastern seaboard;
- Science to characterize biological resources and assess the health of marine and Great Lakes resources and ecosystems such as corals in the Gulf of Mexico;
- Research such as tagging and tracking of commercially and recreationally important fish species, studying areas of importance during critical life stages such as spawning aggregations, nurseries, and habitats, investing in long-term monitoring, developing tools for fishermen, and recognizing businesses that promote sustainable fishing practices;
- Outreach to connect families and youth to our ocean and Great Lakes through the sport of recreational saltwater fishing, and fostering a sense of stewardship and responsibility for America's great outdoors;
- Conservation of vulnerable marine species and habitats through community-based efforts such as rehabilitation, release, and tagging of seals and sea lions on the West Coast; whale disentanglement and rescue in Hawai'i; and installation of mooring buoys to protect corals in the Florida Keys; and,
- Mitigation of invasive species that threaten habitats, public safety, and economic opportunities such as the invasive lionfish in the Florida Keys National Marine Sanctuary.

### **National Marine Sanctuaries Act and the National Marine Sanctuary System**

In 1972, Congress had the foresight to pass the National Marine Sanctuaries Act to promote the conservation of areas of national significance in our ocean and Great Lakes for future generations of Americans, specifically, calling for the protection of areas in our ocean and Great Lakes that "possess conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or esthetic qualities which give them special national, and in some cases international, significance."

Congress recognized the need to manage these areas as a system to conserve, understand, manage and sustainably use resources; to enhance public awareness, understanding, and appreciation of the marine and Great Lake environments; and, to maintain for future generations the habitat and ecological services of living resources that inhabit these areas.

Today, the National Marine Sanctuary Systems consists of 13 national marine sanctuaries, and the National Oceanic and Atmospheric Administration (NOAA) co-manages two marine national monuments. In total, these sites cover over 620,000 square miles and conserve some of the Nation's most critical natural and cultural resources in the ocean and Great Lakes. It is important to underline the fact that NOAA holds these resources in trust for all the American people.

The National Marine Sanctuary Act requires sanctuary managers to "facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities." Therefore, managers balance multiple uses on the water and engage many constituencies in managing and conserving marine and Great Lakes resources. Every sanctuary permits multiple uses, however, management varies as each sanctuary is different based on the resources it was established to conserve and the community where it is located.

*Healthy sanctuaries support local communities and businesses by generating approximately \$8 billion annually to support coastal and ocean dependent economies. Recreation in sanctuaries brings in \$2.15 billion in income alone, supporting 63,000 jobs.*

*Sanctuaries and Resources Conservation*—Our national marine sanctuaries work to protect the most important marine ecosystems and natural and cultural resources in America's ocean and Great Lakes waters. Sanctuary habitats include vibrant coral reefs, kelp forests, sand banks, migration corridors, deep-sea canyons, and underwater archaeological sites. Contained within the boundaries of sanctuaries are more than 300 discovered shipwrecks that document our past as a seafaring nation. These sites are home to millions of species, including endangered and threatened species such as the Hawaiian monk seal, Pacific Leatherback sea turtle, and the Southern Resident killer whale, where sanctuaries play a critical role in their recovery. The National Marine Sanctuary System harbors roughly 15 to 20 percent of the Nation's coral reefs, including some of the most pristine reefs in the U.S. and the oldest and largest corals in the world.

Sanctuaries often help identify solutions to resource conservation and restoration to protect species. In Stellwagen Bank, Massachusetts, the sanctuary, universities, the ports, and shipping industry worked together to shift the location of shipping traffic lanes to reduce the risk of ship strikes to the endangered North Atlantic right whales by 58 percent and to baleen whales by over 80 percent. On the west coast, sanctuaries are working with researchers to investigate food shortage for sea lions and seals. By using telemetry, scientists can study rehabilitated pinnipeds to understand where pups forage and provide real time response to prey and environmental conditions.

Some of the most important known sites for seasonal aggregations of adult and sub-adult northeastern Pacific white sharks are located in the Greater Farallones Sanctuary. These sites provide critical feeding areas during their annual migration, and tagging and photo identification provide information about their life history and ecology, environmental factors affecting abundance and success, and local population estimates and trends.

In the Florida Keys, coral nurseries aim to replenish wild populations of corals by providing care and protection to nurse them back to health and eventually transplanting them on the reef to improve and supplement existing corals. Coral restoration efforts, like these nurseries, hope to enhance reef resilience, and citizen science initiatives actively promote stewardship and outreach to reduce stressors.

Olympic Coast National Marine Sanctuary serves as one of the most productive fish-growing habitats as well as a critical habitat and migratory pathway for twenty-nine species of marine mammals and multiple seabird species. Four Olympic Coast tribes—the Makah, Quileute, Hoh, and Quinault—use of Olympic Coast National Marine Sanctuary waters dates back centuries from present day. Sanctuary staff and the four tribes work together on behalf of sanctuary management to strengthen resources and respect the longstanding relationship of coastal Native Americans and the marine environment.

The Hawaiian Islands Humpback Whale National Marine Sanctuary protects more than 21,000 humpbacks. The Sanctuary is active in research and conservation, specifically through the Whale Disentanglement Response Initiative. The sanctuary conducts collaborative research projects that assess populations of humpbacks and the condition of their habitat, and differentiate between natural and anthropogenic



impacts. Recently, much of the sanctuary's research focus has been on SPLASH (Structure of Populations, Levels of Abundance, and Status of Humpbacks), an international cooperative research study of the population structure of humpback whales across the North Pacific and the world's largest and most comprehensive research project ever conducted on any whale species.

*Sanctuaries and Public Access*—Sanctuaries also support tourism and offer world-class outdoor recreation experiences for all ages. An estimated 42 million people visit sanctuaries each year. The majority of national marine sanctuaries' waters are open to compatible recreational activities which also allows for considerable benefits to local economies. To promote sustainable tourism in America's sanctuaries, every year, sanctuaries host "Get into Your Sanctuary" celebrations. These events raise awareness about the value of our sanctuaries as iconic destinations for responsible recreation through a series of special activities.

Over half (58 percent) of visitors to Alpena, Michigan come to visit Thunder Bay National Marine Sanctuary, which is the region's most popular attraction, boasting nearly 100,000 visitors per year. Sanctuary visitors can enjoy diving, glass-bottom boat tours, kayaking, snorkeling, fishing, and exploring the Great Lakes Maritime Heritage Center. The Great Lakes Maritime Heritage Center is a visitor center for the Thunder Bay National Marine Sanctuary, featuring exciting exhibits for all ages. The "Exploring the Shipwreck Century" exhibit is located in the center's main hall and includes a full-size replica wooden Great Lakes schooner and shipwreck where visitors can walk the decks, feel a Great Lakes storm, and touch the massive timbers of the boat resting on the lake bottom without getting in the water.

The whale watching industry in the Hawaiian Islands Humpback Whale National Marine Sanctuary contributes up to \$11 million in total revenue annually, to the adjacent communities, with a total economic impact of nearly \$74 million per year. Whale watching by boat and from the shores is a major activity in the sanctuary, but the destination also encourages exploring the resident seals, sea turtles, dolphins, fish, invertebrates and birds. Three times a year, more than 2,000 volunteers, including many ecotourists, join in the Ocean Count program by monitoring, counting, and documenting behavior of humpbacks throughout Hawai'i. These efforts improve habitats, raise ocean awareness, and contribute significantly to the state's economy.

Sport fishing, shellfish-gathering, hiking, camping, surfing, diving, kayaking, tide-pooling, beachcombing, and wildlife exploration attract 3 million people to Olympic Coast National Marine Sanctuary each year. Recent estimates indicate that \$101.6 million was spent on recreation in the sanctuary. This spending generated, with multiplier impacts, \$128.2 million in output, \$78 million in value-added (gross regional product), and \$46.1 million in income, which supported 1,192 jobs.

Known as the "Serengeti of the Sea", Monterey Bay National Marine Sanctuary is home to 34 species of marine mammals, great white sharks, four turtle species, 180 species of birds, 525 species of fishes, 1300 reported shipwrecks, and more than 700 prehistoric sites, making tourism and recreation opportunities such as whale watching, diving, boating, kayaking, fishing, tide-pooling and beach exploration endless. The Sanctuary's flagship visitor facility, the Santa Cruz Exploration Center, is also a valuable educational hub for residents and tourists, playing a critical role in community efforts to revitalize Santa Cruz.

Cordell Bank National Marine Sanctuary's sustainable tourism practices, including diving, snorkeling, whale watching, kayaking, boating, sailing, and fishing, promote long-term conservation of its habitats and resources while enabling responsible, compatible human activities. From June to November, sanctuary visitors can see humpback and blue whales feeding relatively close to shore and, late summer into fall, head offshore for more seabird and marine mammal viewing opportunities. Seabirds, whales, and sea turtles travel across the Pacific basin to feed here. Albatross fly from Japan and Hawaii to feed before returning to their nests to feed their young.

North America's only living coral barrier reef (the world's third largest) and one of the most popular diving destinations, Florida Keys National Marine Sanctuary supports the region's success in global tourism. Ocean-related activities connected to the Sanctuary bring the local economy more than \$4.4 billion in annual revenue and over 70,000 jobs. World-class diving, swimming, fishing, boating, and other sports draw visitors to the sanctuary. More than 72,000 people annually visit the sanctuary's Eco-Discovery Center, a 6,000-square-foot interactive learning experience for all ages.

*Sanctuaries and Fishing*—For centuries, communities used marine protected areas to conserve both ecosystems and fisheries production. Marine protected areas provide a safe haven where fish can grow, reproduce, and spill over to surrounding areas; help rebuild fish stocks; maintain ecosystem health and diversity; and sup-

port livelihoods and communities. National marine sanctuaries are a type of marine protected area that focus *both* on conserving resources while balancing sustainable activities, such as commercial and recreational fishing, for future generations. Sanctuaries encompass some of the most productive fishing grounds in America's waters. Approximately 98 percent of sanctuary waters allow some forms of fishing.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the National Marine Sanctuaries Act (NMSA) both provide critical statutory authorities for marine resource management. The statutes provide tools that can be used exclusively, or in combination with each other, for resource conservation. The MSA's primary purpose is to conserve and manage fish stocks in the Exclusive Economic Zone to end and prevent overfishing in federally-managed fisheries and actively rebuild stocks. The NMSA primary purpose is to provide long-term conservation of nationally significant areas designated as national marine sanctuaries.

The NMSA provides authority for NOAA to issue regulations in order to meet the resource conservation goals of a sanctuary. This includes regulations for certain fishing activities if determined necessary to conserve sanctuary resources or qualities. Sanctuaries are place-based, and the NMSA focuses on ecosystem protection including protection of biological communities and habitats. Resource-specific legislation such as MSA cannot in all cases provide a comprehensive and coordinated approach for the conservation and management of these special areas. For over 40 years, the two statutes working together have provided a framework for resource conservation and management.

Each sanctuary working with a variety of local stakeholders, including the Sanctuary Advisory Council and Fishery Management Council, evaluates on a case-by-case basis which tool is most appropriate. NMSA requires NOAA to provide the relevant fishery management councils the opportunity to prepare draft sanctuary fishing regulations. One example is krill management in California. Three national marine sanctuaries in California went through a joint management plan review process. The process identified krill harvesting as a significant issue because of its importance as a forage species throughout the Pacific coastal region. Through discussion with the Pacific Fishery Management Council (PFMC), the sanctuaries reached a mutually-agreeable solution that PFMC would recommend a prohibition on the take of krill under the Magnuson-Stevens Act.

Sanctuaries partner with commercial and recreational fishermen, businesses, charters, and education partners to promote sustainable fishing practices; maintain fishing cultures in sanctuaries; develop tools for fisheries management; connect families and youth to our ocean, coasts, and Great Lakes through the sport of recreational saltwater fishing; and foster a sense of stewardship and responsibility for America's great outdoors. One example is the Blue Star Angler program in development to engage recreational fishing charters in the Florida Keys. The Foundation, Florida Keys National Marine Sanctuary staff, and the Sanctuary Advisory Council are working with charter fishing captains and guides to develop a voluntary education and recognition program to encourage businesses to educate their customers to conserve the Florida Keys ecosystem. The program, set to officially launch in 2018, is being adapted from the Blue Star program for diving and boating businesses but is being tailored to meet the needs and business practices unique to the recreational fishing sector.

Research in sanctuaries can provide valuable information on impacts of activities, recovery and resilience of stocks to changing ocean conditions, and opportunities for collaborative research with fishermen, the fishing industry, and other partners. The National Marine Sanctuary System supports tagging and tracking research on commercially and recreationally important fish species, studying areas of importance during critical life stages such as spawning aggregations, nurseries, and habitats, investing in long-term monitoring, and incorporating traditional knowledge and traditions in management and conservation.

*Sanctuaries and Maritime Heritage*—National marine sanctuaries tell the story of our Nation's maritime heritage, from sea to shining sea. Our blue highways connect countries and coastal communities, and allow us to transport goods that drive our economies. Sanctuaries safeguard the final resting grounds of historic wrecks, prehistoric archaeological sites, and other cultural artifacts. They honor and celebrate the history, contributions and sacrifices of our ancestors. And, they enable Americans to connect and learn from our shared maritime past as we look for future opportunities.

Congress created the first marine sanctuary to protect the wreckage of the famed Civil War ironclad USS *Monitor*. When the remains of two unknown sailors were exhumed from the recovered USS *Monitor* turret, Monitor sanctuary staff, the Navy, the National Marine Sanctuary Foundation, and other partners utilized 3D facial reconstruction technology to identify the sailors, track down the descendants of

these and other Monitor soldiers, and arrange a proper military burial at Arlington National Cemetery to pay respect to the sailors, commemorate their service to their country, and acknowledge their role in American history.

Ninety-five years ago, the 56 brave crew members of the USS *Conestoga* gave their lives in service for their country when this U.S. Navy tug sank. Presumed lost off the coast of Baja California or close to Hawaii, in 2014, the NOAA Office of National Marine Sanctuaries Maritime Heritage Program found the shipwreck in what is now Greater Farallones National Marine Sanctuary. The discovery provided closure for families of the *Conestoga*'s crew who kept the story alive for future generations.

Historical research indicates that more than 200 shipwrecks lie in and around Thunder Bay National Marine Sanctuary. To date, more than 50 shipwrecks have been discovered within the sanctuary and an additional 30 wrecks have been located outside of the sanctuary boundaries. Although the sheer number of shipwrecks is impressive, it is the range of vessel types located in the sanctuary that makes the collection nationally significant.

*Sanctuaries and Research*—National marine and Great Lakes sanctuaries' impact extends far beyond their boundaries. Sanctuaries are vital to understanding how climate change and ocean acidification are impacting our waters. Through long-term monitoring and research at these sites, we can enhance our understanding of natural and historical resources and how they are changing. They also provide an early warning capability to detect changes to ecosystem processes and conditions. For example, in July 2016, divers were stunned to find green, hazy water, huge patches of ugly white mats coating corals and sponges, and dead animals littering the bottom in the Flower Garden Banks National Marine Sanctuary in the Gulf of Mexico, a reef system once considered one of the healthiest reefs in the region. These reefs are home to many species of recreationally and commercially important fish and serve as stopover/resting spots for migratory species travelling across the Gulf of Mexico and wider Caribbean. Because of monitoring within the sanctuary, NOAA scientists and university partners could assess the sources of the mass die off, determine impacts to the larger environment, and find solutions for improving the reef's condition.

Exploration and mapping expeditions in sanctuaries also hold enormous potential for the discovery of new species, including some found nowhere else on earth. Sanctuaries are ideal places for scientists, students, and the public to study and explore marine habitats in never-before-possible ways through innovations like Remotely Operated Vehicles (ROVs), underwater imaging, mapping, and data collection. These technologies are leading to better understanding of the ocean, making virtual visits a reality, and exploring more effective tactics to ensure its sustainability. For example, in 2016, the cartoon-like "googly eyed, stubby squid" that captured the public's hearts and went viral on social media was observed at a depth of 900 meters (2,950 feet) by the Nautilus Live team as part of a four-month Ocean Exploration Trust mapping expedition in partnership with Channel Islands National Marine Sanctuary.

*Sanctuaries and Volunteerism*—National marine sanctuaries are the blue backyards for thousands of citizens and dedicated volunteers. Volunteers are the heart and soul of the national marine sanctuaries; they represent the best of America. Thousands of volunteers devote their time, effort, and dedication to conserve sanctuaries for future generations. Sanctuary Volunteer Programs are nationally recognized and awarded for their work increasing awareness, engaging the community, promoting stewardship, and providing critical information and support for science, research, education, and management. In 2011, the Channel Islands Naturalist Corps received the "Take Pride in America Outstanding Federal Volunteer Program Award". And, in 2012, Hawaiian Islands Humpback Whale National Marine Sanctuary's Ocean Count Program received the "Take Pride in America Award." In 2016, volunteers contributed more than 137,000 hours of their service at sanctuaries (the equivalent of \$3.23 million of in-kind support). In 2016, almost 9,000 volunteers supported national marine sanctuary citizen science efforts helping to answer real-world scientific questions.

### **Sanctuary Nominations and Designations**

Ken Burns called the national parks "America's Best Idea" because they are the story of people, Americans from all walks of life devoted to protecting lands they love. The same is true for our national marine sanctuaries, which are a uniquely American idea. They are the story of people and communities dedicated to conserving special places in our ocean and Great Lakes for both current and future generations. Sanctuaries capture the spirit of communities through participatory conservation. Thousands of volunteers enthusiastically donate their time to aid in con-

servation and education, scientists study these living laboratories to unlock mysteries, and local citizens serve on advisory councils that inform the management of our public waters for all Americans.

To create a national marine sanctuary, passionate citizens can explore two different approaches to designate a new sanctuary—through Congress or the Executive Branch. Communities can advocate to their Members of Congress to pass legislation to create a national marine sanctuary that is later signed into law by the President. Laws established Florida Keys, Stellwagen Bank, and Hawaiian Islands Humpback Whale national marine sanctuaries. Communities and NOAA can also nominate an area to become a new sanctuary.

Communities nominate *their* most treasured places in our marine and Great Lakes waters for consideration as national marine sanctuaries. Communities submit a proposal to the Administration through NOAA's sanctuary nomination process. NOAA's Office of National Marine Sanctuaries then reviews these community-based nominations to ensure they have diverse support, meet criteria of national significance, and consider management considerations and other factors. After NOAA accepts the candidate site then it may be considered for potential designation.

Sanctuary designation is a separate public process that, by law, is highly public and participatory, and often takes several years to complete. It emphasizes community participation and engagement to ensure the national marine sanctuary considers the needs of interested communities. The designation process includes public meetings and comment periods, and consultation to inform NOAA's development of the management plans and sanctuary regulations. Nominations can remain in the inventory for up to five years before they are reviewed and updated.

Currently, there are eight nominations in the inventory: Mallows Bay—Potomac River (MD); Lake Michigan (WI); Hudson Canyon (NY); St. George Unangan Heritage (AK); Lake Erie Quadrangle (PA); Chumash Heritage—second submission (CA); Lake Ontario (NY); and Mariana Trench (CNMI). One nomination is currently under review by NOAA for listing on the inventory: Southern California Offshore Banks (CA). When a nomination does not meet criteria during the NOAA review, the agency can decline the nomination. To date, five nominations have been declined or withdrawn.

Two sites in the inventory—Mallows Bay-Potomac River (MD) and Wisconsin-Lake Michigan (WI)—are under consideration for designation. For the first time in over 16 years, the Nation could add new sanctuaries to the System. The National Marine Sanctuary Foundation strongly urges NOAA to designate these two sites as sanctuaries.

- *Mallows Bay-Potomac River:* Just 40 miles south of the Nation's capital, Mallows Bay-Potomac River is most renowned for the remains of more than 100 wooden steamships, known as the "Ghost Fleet," which were built for the U.S. Emergency Fleet between 1917–1919 as part of America's engagement in World War I and are listed on the National Register of Historic Places. A Mallows Bay-Potomac River National Marine Sanctuary would preserve these important pieces of American history; enhance public access, education and research; and create business and job opportunities from tourism and outdoor recreation.
- *Wisconsin-Lake Michigan:* For centuries, the icy cold waters of Lake Michigan served as a treacherous gateway for communities, commerce, and trade that drove the prosperity and expansion of our Nation. Wisconsin's maritime heritage runs deep with more individually listed shipwrecks on the National Register of Historic Places than any other state. These shipwrecks and cultural artifacts are important pieces of American history and represent the tenacity and entrepreneurial spirit of generations of Americans. The Wisconsin-Lake Michigan Sanctuary would support research and exploration to connect maritime museums, state and local parks, and school districts to these wonders and to the Great Lakes history while advancing STEM education to promote job skills and opportunities for the next generation.

Once designated, marine sanctuaries are managed through an extensive public engagement process with local citizen participation. At each sanctuary, NOAA establishes local offices with staff who live in the community. Each sanctuary develops management plans, providing for the specific needs and circumstances of the site and community. The Act also calls for the establishment of community-based National Marine Sanctuary Advisory Councils, comprised of diverse stakeholders who provide advice and recommendations to the sanctuary's superintendent on issues including management, science, service, and stewardship. More than 440 sanctuary advisory council members represent stakeholders across these communities to provide advice and recommendations directly to sanctuary managers.

### Conclusion

Our national marine sanctuaries are national treasures. The National Marine Sanctuary Foundation joined by our national network of chapter and friends groups urge Congress to strongly support the National Marine Sanctuary System and the community-driven process to both expand existing sanctuaries and to conserve more nationally significant areas of America's ocean and Great Lakes for future generations of Americans. Investments in these areas support local economies and jobs in a diversity of sectors from education to outdoor recreation to fishing.

Thank you for this opportunity to provide written testimony to the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard.

Stephen D. Kroll  
Rogers City, MI

Senator GARY PETERS  
Washington, DC

Dear Senator Peters;

This letter is in regard to Executive Order 13795, Section 4(b)—America First Offshore Energy, and the hearing on June 27, 2017.

The first point I wish to make is that the Sanctuaries, whether created or expanded, only happen at the request of the people who live and work in the area. The Sanctuaries program is not a top down but a bottom up program which is designed by the collective concerns that the people of the affected area feel are worth preserving for the common good. To even consider repealing what the citizens of these areas have long worked for goes against what already makes "America Great NOW". I fail to understand how "conservatives" think that exploitation of resources is going to "Make America Great Again" if we have nothing left. These "special places" are a very small percent of the area we have and to not protect them, and hopefully more of them, for future generations seems very selfish for any short term gain.

Please note that there are two types of Sanctuaries, some protect cultural heritage and some that protect natural environment. The Sanctuaries that protect natural environment are trying to sustain that environment for long term use. So the protection is there for us to hopefully gain the knowledge as to how to maintain productive use of not just these areas but to develop and apply a "sustainable use" concept to the oceans. Cultural heritage sanctuaries are protecting the Maritime Heritage of our Nation. These are areas which happen to have shipwrecks of significant historical value that without protection would be exploited.

There are many values that the Sanctuaries Program has but to me it is that it is truly America at its best, government for the people and "BY" the people. In doing so it brings people in an area to take ownership and work together for a common good. There are many other co-operative gains which come out of this which create a much better place, with an improved quality of life.

As a citizen who is actively involved with the Sanctuaries program, and in particular one who lives on the shore of the Thunder Bay National Marine Sanctuary, I hope that our expansion is not repealed. There were NEVER any funds added for the expansion to occur but because of it we have been able to apply and obtain grants which have funded many of our programs which affect what is our expanded three county area. There has been a steady increase in our area of new businesses coming into the area and those which are here being more stable since the sanctuary being established. Even where I live, 40 miles north of Alpena in the expanded area, empty store front buildings are being occupied with new businesses and we are seeing growth again. Reducing our size will effect greatly our ability serve the new 3 county area with educational programs and coordinate co-operative use of resources.

I thank you for representing my concerns,

STEPHEN D. KROLL

Margaret (P.J.) Webb  
Public Interest Attorney at Law  
Cambria, CA

Senator DAN SULLIVAN,  
Chair,  
Senate Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries and  
Coast Guard,  
U.S. Senate,  
Washington, DC.

Dear Senator Sullivan and Committee Members,

Sanctuaries are designated in recognition of nationally significant oceanographic, geological, biological and archaeological characteristics. These are very special places. Given the threats to our coasts and oceans from offshore oil and gas development, urban and rural pollution, global climate change and so much more, we must strengthen and keep intact our national marine sanctuaries. They are a vital part of building resilience for our planet.

National marine sanctuaries protect natural resources while encouraging responsible public access to our vital ocean. Protecting this habitat preserves the beauty of nature and our local economies. Sanctuaries attract funding for science, research opportunities and educational institutions. Sanctuary outreach and education focuses on stewardship of the land, the watersheds, the intertidal, the coast, the ocean and our planet. Sanctuaries increase the collaboration of government agencies and non-governmental organizations leveraging diminishing funding into more efficient outcomes. The extensive volunteer support expands the natural resource protection and forges strong bonds between sanctuaries and their communities. In my region, there is considerable public and business support for the Monterey Bay National Marine Sanctuary because it has proven to be a good partner for protecting the beauty of our coast while bringing so many visitors here to witness the grandeur of nature.

Beyond the socioeconomic and ecological benefits, the advantages of the national marine sanctuary system are numerous. The National Marine Sanctuaries Act requires that communities drive the process of designating a sanctuary. I have participated in this public input for over 10 years. I find that intensive public participation is a vital part of ongoing sanctuary management. There is transparency in decision making; adaptive and accountable management along with research, education and enforcement responsibilities. National marine sanctuaries encourage public access and usage by both commercial and recreational interests while protecting the resources that all benefit from.

Sincerely,

MARGARET (P.J.) WEBB,  
*Attorney at Law.*

INLAND OCEAN COALITION  
*June 23, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

On behalf of the Inland Ocean Coalition and the seven Inland Ocean chapters throughout North America, we would like to emphasize that we greatly value the National Marine Sanctuary Program. Sanctuaries are for all Americans and inland communities care deeply about these national treasures.

We live in land locked states, and going to the coast is a big deal for us. When we travel to the ocean, we are often looking for regions that have special characteristics—areas that have been conserved for recreation, historical, and aesthetic qualities. Sanctuaries are attractive in that they draw many people in for their beauty, biodiversity, and accessibility. These are major economic engines that attract visitors from SCUBA divers to fishermen to families looking for peace and relaxation.

Sanctuaries do not just pop up, they are about community engagement. The open public process and extensive community participation is central to how sanctuaries operate and this process allows and invites people who do not live near a sanctuary to participate. People care deeply about these protected and managed areas and want to see them properly cared for. This open process encourages us to have a voice and share how important sanctuaries are for current and future generations.

Best,

VICKI NICHOLS GOLDSTEIN,  
*Founder and Director,*  
Inland Ocean Coalition.

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O'NEILL SEA ODYSSEY  
*Santa Cruz, CA, June 23, 2017*

Senator DAN SULLIVAN,  
Chair,  
Senate Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries,  
and Coast Guard,  
U.S. Senate,  
Washington, DC.

Dear Senator Sullivan and Committee Members:

On behalf of O'Neill Sea Odyssey, a non-profit organization that provides a free, ocean-going hands-on science program on Monterey Bay, I am writing in support of the national marine sanctuaries that protect 15,500 square miles, or 5 percent, of America's west coast as well as other U.S. waters and the Great Lakes, including areas that have been added to this designation in the past ten years.

The west coast national marine sanctuaries, from south to north, include Channel Islands surrounding its namesake island chain off Santa Barbara, Monterey Bay which extends from northern San Luis Obispo County north to San Francisco Bay, Cordell Bank, then Greater Farallones Sanctuary that extends up past the southern part of Mendocino County, and finally, Olympic Coast off Washington State. Channel Islands is the oldest west coast site, having been established in 1980. Greater Farallones—formerly known as Gulf of the Farallones in tribute to the islands it surrounded—and Cordell Bank Sanctuaries were expanded in size in 2015.

An outcome of the 1969 oil spill during an offshore drilling operation off Santa Barbara, California was the Marine Protection, Research, and Sanctuaries Act, approved by Congress and signed by President Richard Nixon in 1972. It authorized the establishment of marine sanctuaries and today, 13 of them located in the ocean and Great Lakes are managed for their ecological or cultural values and to promote resource protection, research and education.

Besides rules such as a ban on oil and gas drilling, they also, among other things, protect marine heritage sites such as shipwrecks. The National Oceanic and Atmospheric Administration's National Ocean Service oversees the sanctuaries, along with two national marine monuments, with varying levels of protection.

National marine sanctuaries protect habitats and the plants and animals they host alongside uses such as fishing and recreation. While that sounds contradictory, it actually does work, as is the case on California's central coast where Monterey Bay National Marine Sanctuary prevents offshore oil development, but whose waters are also a host a power generating plant at Moss Landing, a big wave contest at the world famous Maverick's reef near Half Moon Bay and a fishing industry while also promoting marine research and education.

I strongly encourage continued sanctuary management of these areas. Thank you for considering our views.

Sincerely,

DAN HAIFLEY,  
*Executive Director.*

SHEBOYGAN COUNTY CHAMBER OF COMMERCE  
June 23, 2017

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

I am writing on behalf of the Sheboygan County Chamber of Commerce of Wisconsin. We are pleased to support the National Oceanic and Atmospheric Administration's designation of the Wisconsin-Lake Michigan National Marine Sanctuary. As proposed, the sanctuary would protect and interpret maritime heritage resources, including 37 historic shipwrecks in a 1,075-square-mile area off the coast of Ozaukee, Sheboygan and Manitowoc counties. The designation proposal mirrors the successful sanctuary nomination submitted in 2014 by Governor Walker on behalf of the State of Wisconsin and the coastal communities in the mid Lake Michigan region.

This is a valuable and timely project that will reap rewards for generations to come. A sanctuary on this nationally recognized shoreline will add to Wisconsin's own efforts to preserve and protect the historic treasures of this highly valued body of water. In addition it will provide significant educational opportunities for residents and students throughout the Midwest and attract thousands of visitors interested in experiencing this history up close and personal. The spotlight this will put on this unmatched resource will ensure the largest number of people gain a greater understanding and commitment to this precious ecosystem we all share and depend upon.

We also recognize the potential creation of businesses and jobs that will be a significant economic plus to our region. Perhaps most importantly, the collaboration between this diverse but now-connected string of coastal cities and towns that was sparked by this new NOAA designation model, promises even greater benefits moving forward.

We fully support the designation of the Wisconsin-Lake Michigan National Marine Sanctuary—the first in Lake Michigan and in Wisconsin. It will be a proud accomplishment that will bring benefits to this lakeshore region, the State of Wisconsin and the United States of America.

Yours Truly

BETSY ALLES,  
*Executive Director.*

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THE MARINER'S MUSEUM AND PARK  
*Newport News, VA, June 23, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

I write today to express my strong support for the National Marine Sanctuary Program [NMSP] and for continued funding and expansion of the *Monitor* National Marine Sanctuary [the *Monitor* Sanctuary]. I have the distinct honor of serving and leading The Mariners' Museum, one of only two museums that the U.S. Congress first designated as "America's National Maritime Museum" in the FY 1999 NDAA.<sup>1</sup> The Museum's longest running and most important programmatic partnership is our work with NOAA to conserve over 200 tons of USS *Monitor* artifacts in the world's largest conservation effort of its kind. Every year, tens of thousands of visi-

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<sup>1</sup>The U.S. Congress renewed the designation on December 19, 2014 at 54 U.S.C. 308705.



tors from across the Nation and the world visit the Museum to see the USS *Monitor* and to connect with its powerful stories.

Every single day, my team and I labor to advance a critically important facet of the NMSP's mission: *the preservation of our Nation's incredibly rich maritime cultural heritage*. Each year, Tens of millions of our Nation's proud citizens visit the more than two dozen battlefields and historic sites that preserve and commemorate our most hallowed grounds. The preservation of these National military parks and landmarks—the actual physical spaces and the objects contained within them—plays a key role in sustaining the social capital that, in turn, sustains us as a nation: reminding our citizens, no matter their individual differences, of their shared history as a people. In that same way, the NMSP preserves similar special places in our Oceans. Since 1975, the NMSP has protected the wreck site of the Civil War ironclad U.S.S. *Monitor* off the coast of North Carolina, WWII sites in the Pacific at Midway Island, and dozens of other nationally significant shipwrecks in our Nation's waters.

As you know, the NMSP is the broadest governmental effort to preserve such spaces, objects, and heritage both at sea and in our national waterways. Ours is a maritime nation as much as anything else, and many of our shared history's greatest achievements in exploration, commerce, and defense occurred on the water. Our Museum is uniquely situated—not far from Jamestown Settlement (exploration), sharing Hampton Roads with the world's greatest natural deep water port (commerce) and the world's largest complex naval installations (defense)—to recognize the value of the work of the *Monitor* Sanctuary, Thunder Bay National Marine Sanctuary, and the entire National Marine Sanctuary system to preserve our Nation's maritime cultural heritage.

It is perhaps best to make the case for these sanctuaries by considering our Nation without them. We, as a government and a people, could not and would not abandon Gettysburg or Yorktown or any similar piece of land, allowing curiosity-seekers with metal detectors to scavenge the objects that hold the stories of the sacrifice that occurred there, or the natural elements to erase the structures and landscape that mark those sacred places. We would not allow these moments in our shared history to pass forever from our collective consciousness. Simply put, the NMSP is our Nation's commitment to the moral imperative that we preserve the space, objects, and heritage made sacred by the lives of American merchant mariners, sailors, watermen, travelers, voyagers, and scores of others on the water.

The work of conserving artifacts from the USS *Monitor* will continue for several more years. As the artifacts complete their extensive treatment, we display them in the award winning galleries of the Museum's USS *Monitor* Center. The USS *Monitor* Center opened in 2007 and was the result of a decades-long partnership with NOAA and the NMSP. Just a couple of weeks ago, we were honored to host more than a dozen World War II veterans of the USS *Indiana* (service in the Pacific Theater) for a tour of The Mariners' Museum (see attached photo). The galleries they most wanted to tour were the USS *Monitor* galleries. First, virtually the entire surface and submariner Navy traces its legacy to the USS *Monitor's* transformation of naval warfare. Second, and most importantly, visitors to the Museum begin the USS *Monitor* story at a case that honors the two sailors whose remains were recovered in the turret. The USS *Monitor* story is a story about the grit and sacrifice of people. Hearing the stories of sailors, our USS *Indiana* vets that visited a couple of weeks ago saw their own stories in the stories of "The *Monitor* Boys," and several expressed their gratitude that our Nation had memorialized the lost *Monitor* sailors.

Over sixty percent of The Mariners' Museum visitors report that the USS *Monitor* Center is their favorite exhibit. A similar number tell us that they come to the Museum specifically to see the USS *Monitor*. We conserve the USS *Monitor* artifacts in our Batten Conservation Complex, which was designed to allow visitors to see the active conservation treatment in progress. Consistently, the opportunity to see the ongoing conservation of the USS *Monitor* turret, the Dahlgren guns, and the steam engine rates as the most impactful part of the USS *Monitor* experience in our galleries. We have built a program for school children called "Clash of Armor" that teaches elementary schoolchildren about the Battle of Hampton Roads between the USS *Monitor* and the CSS *Virginia*. That program is one of our top on-site, in-person school programs. Despite the fact that history—and especially Civil War history—comprises less and less of current grade school curricula, the story of the USS *Monitor* and its crew continues to resonate.

A significant reason for the continuing importance and relevance of the USS *Monitor* story is the many, many components of its story. Most of our visitors and students are surprised to learn that seven African Americans served on the USS *Monitor* crew, that the USS *Monitor* was built in only 100 days in a feat of industrial innovation, or that the science and technology built into the USS *Monitor* continues

to influence naval architecture and engineering today. For example, just last year, the American Society of Mechanical Engineers named the Worthington Pump a historic landmark in recognition of its influence on the field of mechanical engineering. Additionally, both the History Channel and the Travel Channel have, within the last nine months, filmed episodes on the USS *Monitor* for two popular series airing on their respective channels.

Last year, following eight years of research, NOAA began a formal review of the current boundaries at the MNMS to consider an expansion to protect the gravesites of nearly 1,600 men lost off the North Carolina coast during WWII's Battle of The Atlantic. This expansion would protect nearly 60 vessels in the only WWII battle-field in American waters. I urge you to support this effort as The Mariners' Museum will. Earlier this year, the *Monitor* Sanctuary team presented a program to the largest Museum audience that we have had in recent memory. Several hundred Museum guests heard about the team's work on the Battle of the Atlantic—specifically, the stunning imagery of one of the most unique wrecks in history: the German U-576 lying on the ocean floor just 240 yards from its prey, the SS *Bluefields*. The presentation forecast just how powerful the expansion of the *Monitor* Sanctuary could be. Throughout, the *Monitor* Sanctuary team told stories of the U.S. merchant mariners who had literally dozens of ships blown out from under them in a matter of months. By protecting and documenting the Battle of the Atlantic wrecks, we have the opportunity to honor the nearly-forgotten sacrifice of merchant mariners and other sailors during our Nation's ascension to a global leadership role. Allowing these mariners' service and stories to fade is unacceptable.

In summary, the NMSP as a whole and the *Monitor* Sanctuary in particular are providing an invaluable service to our Nation. We live in a time where we are all painfully aware of the forces that pull our communities—our nation—apart. Our shared maritime heritage—our connection to the water—is a powerful force that binds us together. I urge you to make NMSP funding and the expansion of the *Monitor* Sanctuary a priority.

Sincerely,

HOWARD H. HOEGE III,  
*President and CEO.*

June 23, 2017

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

As the 2017 Volunteer of the Year honored by the National Marine Sanctuary Foundation during Capitol Hill Ocean Week last week, I wish to share my understanding of the benefits of national marine sanctuaries for myself, my community, public access, science and economy from sanctuaries using my involvement with the Stellwagen Bank National Marine Sanctuary (SBNMS) in Cape Cod Bay, MA as

an example. Since my retirement in 2013 I have volunteered at SBNMS as a member of the Sanctuary Advisory Council (SAC), a contributor to a research program involving satellite-based telemetry of a seabird (Great Shearwater) and a participant in a citizen science program that systematically surveys seabirds in the sanctuary 5–6 times a year. Prior to my retirement I was a seabird biologist from 1976–1983 both in the Atlantic and Pacific Oceans.

Through my own prior research in this area and that with SBNMS since 2013 it is obvious to me that calanoid copepods and a forage fish called sand lance (*Ammodytes dubius*) form a core fabric of the food web for seabirds, whales, dolphins, seals and selected species of ground and mid-water fishes (which includes mackerel, cod and sea herring) in the southwest Gulf of Maine. A recent workshop (May 2017) was convened by the U.S. Fish and Wildlife Service at the Parker River National Wildlife Refuge in Newburyport, MA to gather academics, research groups, and government agencies to discuss available information on sand lance, detail existing research underway and by whom, and compile a publishable document on the importance and vulnerability of this forage fish in this marine community. To this end the New England Fisheries Council was strongly encouraged to pursue an eco-

system-based policy for their management of harvested groundfish and mid-water fisheries. The basis of this encouragement is that is necessary to factor in take/harvest for all marine predators (*i.e.*, seabirds, whales, seals) when setting limits for commercial harvesting of specific fisheries, not just limits (*i.e.*, takes) for commercial fishermen. None of this recognition and action would have been possible if were not for the SBNMS and their internal research program on sand lance and its connection to marine predators such as seabirds and marine mammals.

The SAC at each national marine sanctuary provides representation for a most diverse group of stakeholders. It represents commercial interests (*e.g.*, fishing, whale watching, diving, etc.), law enforcement, government agencies (state and federal) and research organizations. From my perspective as a seabird biologist and volunteer of the year, SBNMS represents an important marine area that requires the recognition and protection as afforded by its national marine sanctuary status. All interests have a collective reason to meet and discuss its health and future.

SBNMS offers educational outreach to surrounding public schools and partners with other educational groups to reach and educate the public, in particular youth, about what is available to them in the sanctuary.

SBNMS is diverse both economically and environmentally. The commercial shipping lanes that take cargo to and from Boston move through the sanctuary. In the past decade SBNMS was able to enable a change in the earlier configuration of the shipping lanes, which had been routed through the most heavily used southern part of Stellwagen Bank by endangered Right and Humpback Whales, to an area that mostly avoided these critical feeding areas without undo hardship to commercial shipping. This change provided an immense environmental benefit in that it reduced the number of whales struck by cargo vessels.

During my trips on the citizen science seabird surveys, I have met a diverse background of volunteers. These volunteers included professional engineers, scientists, educators, students and bird watchers who wanted an opportunity to have an experience on the ocean, learn new skills, or create new networking contacts to get a job or start a career. In all cases, they took personal time off from their existing work in order to participate.

There is a growing community of people from both sides of the Atlantic Ocean that come to Massachusetts to see marine mammals (whales, dolphins and seals) and seabirds. Commercial ventures for whale-watching and sea birders exist in coastal towns from Boston to Provincetown. These boat operators primarily go to SBNMS. Recreational and charter fishing tours also go to SBNMS. These commercial enterprises advertise SBNMS in their marketing. The towns in which these enterprises operate benefit from dining and parking revenue.

America's national marine sanctuaries, including my very own Stellwagen Bank in Massachusetts, are national treasures that protect natural, cultural and historic resources in the ocean and Great Lakes on behalf of the American people for current and future generations. I thank the subcommittee for the opportunity to provide this letter of support for our Nation's national marine sanctuaries.

Sincerely,

KEVIN POWERS,  
*Volunteer,*

Stellwagen Bank National Marine Sanctuary.

VISIT SHEBOYGAN  
*Sheboygan, WI, June 23, 2017*

Subcommittee on Marine Sanctuaries: Fisheries, Access, the Environment, and  
Maritime Heritage  
c/o U.S. Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Honorable Subcommittee Members:

I am writing to you to express my support for the current National Marine Sanctuary nomination and designation processes. Marine sanctuaries are robust drivers of economic activity, reaching far into the fabric of local communities with a positive impact on an area's socio-economic environment. As you may know, a freshwater National Marine Sanctuary is currently in the designation process, with boundaries spanning the shorelines of three Wisconsin counties: Ozaukee, Sheboygan, and Manitowoc. As a stakeholder in the marine sanctuary process, I have been researching the pros and cons of sanctuary designation to the local community. I have found the vast number of opportunities and benefits far exceed any possible negative impact, and impending the current designation process would hinder many future eco-

conomic expansion plans now underway. For example, the Wisconsin State Department of Tourism currently released a report indicating that the economic impact of the tourism economy in our tri-county area is more than \$330 million. Analyzing the effect of a National Marine Sanctuary on available market share, the economic impact of tourism could increase by 92 percent, bringing the full economic impact to more than \$650 million.

Marine Sanctuaries are not just for divers, snorkelers, marine biologists, and scientists; they reach into all facets of a community including tourism, education, workforce development, economic development, and historic preservation. For example, impending National Marine Sanctuary designation has prompted plans for the construction of a new visitor in City of Sheboygan, Wisconsin. However, the new visitor will not just be a place to stop for options on dining, but it will feature hands-on interactive exhibits about historic shipwrecks that part of the area's rich maritime past. It will also feature an exhibit that outlines mankind's exploration progress from sea to space, along with robotics exhibits that mimic remote operated vehicle (ROV) exploration. There are plans for shipwreck boat tours, featuring submerged passenger hulls and cameras that allow residents and visitors a chance to explore Lake Michigan below the surface. There are also plans to host regional ROV competitions, which offer the next generation of scientists and engineers to show off their potential in invention and innovation.

I realize it may not be intuitive to connect a National Marine Sanctuary to such far-reaching ideas, but please allow me to briefly explain how a marine sanctuary is interconnected to the well-being and economic welfare of a community. First in the area of tourism: As you know from your own experiences, tourists demand higher quality services than most people do in the course of their day-to-day lives. Quite simply, when we're on vacation, we splurge. The impact of tourist quality demand also means a higher quality of life for a destination's residents. Second in the areas of workforce develop and education: In particular, Sheboygan County depends on its largely privately-owned manufacturing economy that is in sync with its tourism economy as the heavy drivers of economic robustness.

However, the area's manufacturing sector is currently facing a workforce shortage. Competing for talent is not an easy game; but one of the best resources of a future workforce is the current K-12 population. Nevertheless, manufacturing depends on tech and robotic operations. Thus, it is crucial to inspire students to explore science, technology, mathematic, and engineering (STEM) fields in order to ensure a future sustainable workforce, and National Marine Sanctuaries are incubators of STEM education, not only on their own or through visitor centers, but in partnering with local schools and becoming an intricate part of local, regional, and national STEM projects and competitions. Finally, when recruiting workforce needs from other areas, potential recruits consider the quality of life, education, community services, and general landscape and offerings of an area before making a decision to move and join a new community. In the simplest of terms, people want to be where they have the best chance for prosperity, and a National Marine Sanctuary that raises the quality of life through tourism, education, and future development contributes greatly to that opportunity.

On a larger, national scale, one might not think that a National Marine Sanctuary could have so much impact on a local community, but the impending sanctuary for our community is sparking new construction and infrastructure projects, expanded marketing projects, expanded school curriculum at the K-12 and college levels, new collaboration between tri-county governments and municipalities, as well as new strategies for workforce development. All of these projects and movements have two things in common: They spend and circulate money through the economy, and they create jobs.

As the National Marine Sanctuary designation along the eastern shoreline of Wisconsin continues to move through its formal designation process, have no doubt that the community realizes how much of an asset the sanctuary will be to the area. We hope you can see the same opportunities that marine sanctuaries offer to the socioeconomic status of the communities of which they are a part. If you would like to see firsthand how a National Marine Sanctuary can impact economic development, I invite you to visit Sheboygan, Wisconsin, and tour our coastline. Six hundred and fifty million dollars in visitor spending may not seem like much when compared to a national budget, but it provides tremendous economic benefit to our area.

Thank you for your consideration.

Sincerely,

AMY L. WILSON, PH.D.,  
President/CEO  
Visit Sheboygan, Inc.

*June 25, 2017*

TO: U.S. Senate Commerce Committee's Subcommittee on Oceans, Atmosphere,  
Fisheries, and Coast Guard

FROM: Surfrider Foundation San Luis Obispo, California

Our local Chapter and International Surfrider Foundation stand in strong support of all existing National Marine Sanctuaries as protected ocean habitats essential to the survival of diverse marine life, fishing resources, and recreational opportunities. National Marine Sanctuaries protect some of the most beautiful, sensitive, and endangered ocean environments and protect them from the threats of oil and gas development which pose severe environmental threats.

We are also specifically in favor of the proposed Chumash Heritage National Marine Sanctuary off the San Luis Obispo coast which will connect the Channel Islands and Monterey NMS' to create one of the largest marine sanctuaries to protect one of the most sensitive and diverse marine environments on earth.

We encourage you to stand strong against any threats to dismantle, reduce, or minimize existing and future National Marine Sanctuaries.

Thank you for your consideration,

BRAD SNOOK,  
*Chair,*

Surfrider Foundation San Luis Obispo.

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Karl Kempton  
Oceano, CA  
June 26, 2017

Senator DAN SULLIVAN,  
Chair,  
Senate Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries and  
Coast Guard,  
U.S. Senate,  
Washington, DC.

Dear Senator Sullivan and Committee Members,

I have worked for ocean protection since 1990, first as an Energy Planner for San Luis Obispo County and then as an activist. The effort was and remains twofold: (1) stopping oil development in Federal waters off county waters, and (2) creating the National Marine Sanctuary between the Channel Islands National Marine Sanctuary and the Monterey Bay National Marine Sanctuary to fill the unprotected gap of a marine environment meeting the requirements of nationally significant oceanographic, geological, biological and archaeological characteristics.

Sanctuaries are designated in recognition of nationally significant oceanographic, geological, biological and archaeological characteristics. These are very special places. Given the threats to our coasts and oceans from offshore oil and gas development, urban and rural pollution, global climate change and so much more, we must strengthen and keep intact our national marine sanctuaries. They are a vital part of building resilience for our planet.

National marine sanctuaries protect natural resources while encouraging responsible public access to our vital ocean. Protecting this habitat preserves the beauty of nature and our local economies. Sanctuaries attract funding for science, research opportunities and educational institutions. Sanctuary outreach and education focuses on stewardship of the land, the watersheds, the intertidal, the coast, the ocean and our planet. Sanctuaries increase the collaboration of government agencies and non-governmental organizations leveraging diminishing funding into more efficient outcomes. The extensive volunteer support expands the natural resource protection and forges strong bonds between sanctuaries and their communities. In my region, there is considerable public and business support for the Monterey Bay National Marine Sanctuary because it has proven to be a good partner for protecting the beauty of our coast while bringing so many visitors here to witness the grandeur of nature.

Beyond the socioeconomic and ecological benefits, the advantages of the national marine sanctuary system are numerous. The National Marine Sanctuaries Act requires that communities drive the process of designating a sanctuary. Intensive public participation is a vital part of ongoing sanctuary management. There is transparency in decision making; adaptive and accountable management along with research, education and enforcement responsibilities. National marine sanctuaries en-

courage public access and usage by both commercial and recreational interests while protecting the resources that all benefit from. There is tremendous support in our area for marine protection which includes support for a National Marine Sanctuary.

Sincerely,

KARL KEMPTON,  
*Health Food Grower.*

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PORT WASHINGTON TOURISM COUNCIL, INC.  
*Port Washington, WI, June 26, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

Our marine sanctuaries are national treasures that protect natural, cultural and historic resources in the ocean and Great Lakes on behalf of the American people. Sanctuaries are home to millions of species, protect some of the world's oldest and largest corals, preserve more than 300 shipwrecks that are part of our Nation's maritime heritage, and promote public access for exploration and world-class outdoor recreation and enjoyment for future generations.

Sanctuaries provide a science-based, bottom-up, community driven approach for conservation and stewardship while balancing multiple sustainable uses that benefit our communities and economy. Across all national marine sanctuaries, about \$8 billion annually is generated in local, coastal economies from diverse activities like commercial fishing, research, education and recreation-tourist activities. Over 42 million people visit sanctuaries each year. From restaurants and hotels, to aquariums and kayak operators, the success of many businesses, millions of dollars in sales and thousands of jobs, directly depend on thriving national marine sanctuaries.

The Lake Michigan waters off the coast of Port Washington are part of a sanctuary that is currently in the designation process. Tourism is one of the largest drivers of economic development in our city. Our tourism is strongly based on its maritime heritage. With two lighthouses, and two museums featuring the stories of Lake Michigan, the creation of a National Marine Sanctuary right off of our shores will only enhance that.

We urge you to continue your support of the National Marine Sanctuary program, and the current designation process.

KATHY TANK,  
*Executive Director.*

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*Manitowoc, WI, June 26, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

I am writing in support of the nomination to the National Oceanic and Atmospheric Administration (NOAA) for a national marine sanctuary in Wisconsin's Lake Michigan waters. As envisioned, the sanctuary would protect and interpret maritime heritage resources, including 33 known shipwrecks, in an 875-square-mile area off the coast of Ozaukee, Sheboygan and Manitowoc counties.

A national marine sanctuary would build on the accomplishments by the State of Wisconsin in protecting Great Lakes shipwrecks and educating the public about Wisconsin's nationally significant shipwrecks. A sanctuary would provide important

benefits to this area, including increased tourism and a wide variety of educational programs to share the history of Wisconsin's shipwrecks and maritime heritage with the public. It would be of great benefit to the State, local communities, and user groups to be part of the NOAA National Marine Sanctuary System.

The creation of a sanctuary off Wisconsin's Lake Michigan Coast would add to our tourism product and give us new attractions to draw visitors to our destination. We are ready to assist in whatever way possible to move this project forward.

The Manitowoc Area Visitor & Convention Bureau is a private non-profit corporation designated with promoting the Manitowoc Area as a destination for leisure travel, meetings, sports tournaments, festivals and events.

Sincerely,

JASON RING,  
*President,*

Manitowoc Area Visitor & Convention Bureau.

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GREAT LAKES AND ST. LAWRENCE CITIES INITIATIVE  
ALLIANCE DES VILLES DES GRANDS LACS ET DU SAINT-LAURENT

RESOLUTION 05—2017M

RESOLUTION IN SUPPORT OF THE DESIGNATION OF THE NOAA  
WISCONSIN—LAKE MICHIGAN NATIONAL MARINE SANCTUARY

*Submitted by: Cities of Manitowoc, Port Washington and Sheboygan*

WHEREAS, Wisconsin's Great Lakes contain some of the Nation's most important natural, cultural, and recreational resources; and

WHEREAS, in 2014 Governor Walker submitted a successful sanctuary nomination to the National Oceanic and Atmospheric Administration (NOAA) on behalf of the State of Wisconsin and the coastal communities in the proposed sanctuary; and

WHEREAS, in January 2017, based on the sanctuary nomination, NOAA proposed designation of the 1,075 square-mile Wisconsin-Lake Michigan National Marine Sanctuary which would protect 37 historic shipwrecks and related underwater heritage sites. Eighteen of the sites are listed on the National Register of Historic Places, and archival research indicates that as many as 80 shipwrecks are yet to be discovered; and

WHEREAS, the State of Wisconsin and local communities have invested in documenting, preserving, and celebrating Wisconsin's rich maritime heritage;

WHEREAS, NOAA's National Marine Sanctuary System was established in 1972, and today the program serves as the trustee for a system of 13 national marine sanctuaries and two national monuments encompassing more than 600,000 square miles of ocean and Great Lakes waters; and

WHEREAS, national marine sanctuaries draw regional, national and international tourism, impact regional and local economies, and are featured and promoted in national magazines, journals, books, and films; and

WHEREAS, national marine sanctuaries support a wide variety of educational programs to share the history of Great Lakes shipwrecks with the public and promote science, technology, engineering and mathematics (STEM); and

WHEREAS, national marine sanctuaries protect nationally significant resources, such as Wisconsin's Great Lakes shipwrecks; and support research and documentation to better understand, protect, and increase public appreciation and access to the well-preserved shipwrecks; and

WHEREAS, the proposed Wisconsin-Lake Michigan National Marine Sanctuary would leverage the investment made by the State and Mid-Lake Michigan harbor towns to enhance tourism as a key component of economic development in the State and this region; and

WHEREAS, local resources and infrastructure may be used in partnership with NOAA to complement and enhance a national marine sanctuary in the State.

NOW, THEREFORE, BE IT RESOLVED, that the Great Lakes and St. Lawrence Cities Initiative endorses and strongly supports the designation of the "Lake Michigan—Wisconsin National Marine Sanctuary" on behalf of the State of Wisconsin; the Cities of Two Rivers, Manitowoc, Sheboygan, Port Washington and Mequon; and

Manitowoc, Sheboygan, and Ozaukee Counties currently under consideration by the National Oceanic and Atmospheric Administration.

Signed this 14th day of June 2017

DENIS CODERRE,  
*Chair,*  
 Great Lakes and St. Lawrence Cities Initiative,  
*Mayor,*  
 City of Montréal.

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FRIENDS OF MALLOWS POTOMAC NATIONAL MARINE SANCTUARY  
*June 26, 2017*

Senator DAN SULLIVAN,  
 Chairman,  
 Senate Commerce Subcommittee on  
 Oceans, Atmosphere, Fisheries, and  
 Coast Guard,  
 Washington, DC.

Senator GARY PETERS,  
 Ranking Member,  
 Senate Commerce Subcommittee on  
 Oceans, Atmosphere, Fisheries, and  
 Coast Guard,  
 Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

I am submitting this testimony on behalf of the Friends of Mallows Potomac National Marine Sanctuary. Although Mallows Bay has not yet been designated, a locally driven Friends group has already been established in support of the proposed National Marine Sanctuary.

Mallows Bay is located in Charles County, Maryland on the Potomac River about 30 miles south of Washington, D.C. and is the site of the largest concentration of sunken ships in the Western Hemisphere. Mallows Bay and the surrounding Potomac River have a diverse collection of nearly 200 known historic shipwreck vessels dating back to the Civil War and perhaps the Revolutionary War. The majority of the ships are the remains of over 100 wooden steamships, known as the “Ghost Fleet”, that were built for the U.S. Emergency Fleet between 1917–1919 as part of the World War I war effort. Their construction at more than 40 shipyards in 17 states reflected a massive national wartime effort that drove the expansion and economic development of communities and related maritime service industries including the U.S. Merchant Marine.

In September, 2014, the Maryland Department of Natural Resources, at the urging, and with the support of the citizens of Charles County, submitted a nomination to NOAA to designate Mallows Bay as a National Marine Sanctuary. In October, 2014, President Obama announced the nomination had been accepted. Since then, the draft designation documents have been completed, a notice of intent to designate has been issued, and public comment received. The public comments are now being compiled. Completion of the final Environment Impact Statement, Management Plan, and Federal Regulations is expected by October, 2017.

The designation of Mallows Bay as a National Marine Sanctuary could have a significant economic benefit to Charles County, as well as other counties bordering the proposed Sanctuary boundary. Although the population of Charles County is only around 157,000 people, the economic study area of the preferred alternative was a population of 4,170,639 people (Mallows Bay—Potomac River DEIS, 2016) and includes most of the MD/VA/DC metropolitan area. The study area is the geographical range where the social and economic impacts are anticipated to occur from the use of the Mallows Potomac National Marine Sanctuary.

Leisure and hospitality is now Charles County's second largest private employment sector. According to the Maryland Office of Tourism Development data, Charles County generated \$184 million in tourism sales in 2013. The designation of Mallows as a National Marine Sanctuary is expected to dramatically increase tourism in Charles County, particularly in the relatively remote and underserved area of Nanjemoy in Charles County, where the main access site to the proposed sanctuary is located. The county park (Mallows Bay Park), which presently serves as the principal access point, has already seen a significant increase in use by kayakers, fisherman, and day trippers since nomination, despite the fact there are presently very limited interpretive facilities at the site. The exposure and national recognition that comes with National Marine Sanctuary designation will further increase tourism and visitation and spawn business development, such as outfitters



for guided trips, kayak and small boat rental, increased hotel occupancy, increased restaurant business, and gas station and convenience store stops.

The proposed Mallows Bay National Marine Sanctuary is using, as its model, the Thunder Bay National Marine Sanctuary on Lake Huron near Alpena, Michigan, which is also a National Marine Sanctuary centered around shipwrecks. Thunder Bay has been estimated to generate \$100 million annually to the regional economy and support 1,500 jobs. The visitor center at Alpena sees over 60,000 visitors annually, which is remarkable for a site that is very remote and far from populated areas. The Washington Metropolitan Area, where Mallows Bay is located, has a population of over 6.1 million people.

In summary, the designation of Mallows Bay/Potomac River as a National Marine Sanctuary will help preserve a piece of American history of World War I highlighting the role of the U.S. Shipping Board, the Emergency Fleet Corporation, and the creation of the Merchant Marine. This is a part of history that is little understood and has been lost over time, but is shared with communities all over the country that helped to build these ships. We believe the designation of Mallows Bay/Potomac River as a National Marine Sanctuary will become an engine for tourism, economic development, education, and interpretation. We urge your full support for the National Marine Sanctuary system and for the designation of additional sanctuaries.

Sincerely,

STEPHEN M. BUNKER,  
*Chairman,*  
Friends of Mallows Potomac NMS.

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COUNTY OF ERIE—OFFICE OF COUNTY EXECUTIVE  
*Erie, PA, June 26, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

As County Executive of Erie County, Pennsylvania—a community largely defined by its location on the southern shore of Lake Erie—I write to express the vital importance of National Marine Sanctuaries to communities across our great nation. The advantages of National Marine Sanctuaries, as collaborative partnerships that shore up local economies, might best be explained through Erie County's story.

Erie County's rich maritime history began during the War of 1812, when its shipyards were used to construct the American fleet that protected our new nation. In later years, the fledgling port prospered, thanks to commerce and industry that flourished along the waterways. Today, even as manufacturing shifts have taken a toll on Erie County's economy, the reinvigorated waterfront areas remain attractive to residents, tourists, and innovative new businesses.

Erie County's proposed Lake Erie Quadrangle National Marine Sanctuary would prove an invaluable designation in allowing Erie County to more fully capitalize on its potential as a Great Lakes port. The proposal, which enjoys broad support from local elected officials, businesses, nonprofits, and residents, would position Erie County as a destination for culture and heritage, education, research, and tourism. The proposed Lake Erie Quadrangle sanctuary would encompass nearly 200 shipwrecks, as well as historical sites, lighthouses, and museums, while preserving the county's active sport fishing industry and vital port operations.

The unique advantages of the National Marine Sanctuary System would provide necessary resources that bridge the gap between cultural preservation and economic opportunity. A sanctuary designation would prove to be the vital connection that would link Erie County's disparate resources—including museums, lighthouses, shipyards, the U.S. Brig Niagara, and plentiful opportunities for recreation and scientific study—into a unified waterfront destination. Designating the Lake Erie Quadrangle would create opportunities for education and outreach, including both in-the-water shipwreck exploration and on-the-ground historic research. All told, the proposed sanctuary would inject a much-needed boost into Erie County's burgeoning

tourism industry, enhancing our existing opportunities for fishing, boating, swimming and diving.

Most vitally, the proposed Lake Erie Quadrangle National Marine Sanctuary would be a boon for Erie County's small business owners, many of whom build their livelihoods on the tourists who spend money in our community. Michigan's Thunder Bay National Marine Sanctuary, on Lake Huron, has resulted in growth to existing businesses, the creation of new businesses, and an increase in tax revenue. The Lake Erie Quadrangle sanctuary, if designated, would work together with Thunder Bay to highlight the importance of the Great Lakes Basin—the world's largest surface freshwater system, and the source of nearly a quarter of the world's supply of surface freshwater. Adding Great Lakes Basin assets to the National Marine Sanctuary System, which currently is almost entirely focused on ocean-shore sanctuaries, would further bring the advantages of a sanctuary to the interior of the nation, helping to reinvigorate so-called "Rust Belt" states like Pennsylvania and the entire Great Lakes region.

National Marine Sanctuaries provide an opportunity for communities to best utilize their marine assets, leveraging local partnerships and on-the-ground resources into an engine for economic growth. The Lake Erie Quadrangle proposal began with just such a mission, bringing together a patchwork of interested parties with a common purpose: Expanding Erie County's economic opportunities. Supporters include officials from local municipalities as well as from neighboring counties and states; environmental organizations, recreational groups, educational institutions and non-profits; and economic development agencies and business owners. All came together to create and support the sanctuary proposal, knowing that such a designation was the best course for Erie County to not only protect one of its most important cultural assets—its maritime heritage—but also to capitalize on it as an economic driver.

Though Erie County's proposed Lake Erie Quadrangle National Marine Sanctuary awaits approval, the advantages of a National Marine Sanctuary are clear to our leaders, business owners, and residents. Erie County has witnessed the vast benefits—to economy, to preservation, and to community pride—that sanctuary designations have had on other similar communities, notably Thunder Bay, and remains confident that our region, too, could only be enhanced by receiving such a Federal designation.

Sincerely,

KATHY DAHLKEMPER,  
*County Executive.*

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COUNTY OF OSWEGO—OFFICE OF THE COUNTY ADMINISTRATOR  
*Oswego, NY, June 26, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard:

Thank you for this opportunity to submit comment to the subcommittee regarding the National Marine Sanctuary (NMS) nomination process and the role an NMS can play in economic development. During development of the nomination for the Great Lake Ontario National Marine Sanctuary, NOAA's community-based nomination procedure proved to be a constructive and unifying process across several governments. Those interactions facilitated planning and the creation of common regional goals regarding maritime heritage, tourism, education and economic development.

By way of background, the proposed Great Lake Ontario National Marine Sanctuary includes unique and significant submerged cultural resources within a corridor that is one of the most historically significant regions in the Great Lakes and the North American continent. Located in the southeast quadrant of Lake Ontario, this area and its tributaries provided food and transportation trade routes for indigenous peoples and early European explorers. During the colonial period through the War of 1812, it was a strategic theater of conflict among European powers and the young American republic. Later, this region was critical to the development of the American west and our Nation's industrial core and the westward of The area also served as a location of maritime innovation and invention, and was crucial in

the agricultural expansion of the 19th century. Within the nomination area there are an estimated 68 shipwrecks and three historic aircraft. Many of these are the oldest and only known of their type and exhibit intact architectural features, such as the *Atlas*, *Bay State*, *Queen of the Lakes*, *Royal Albert*, *Roberval*, *Black Duck* and the *Lady Washington*, which is the second oldest (1797) intact shipwreck discovered in the Great Lakes. The oldest is also in Lake Ontario, the Revolutionary War-era HMS *Ontario* (1780).



Lady Washington, built during George Washington's presidency (1797) rests intact, unresearched and vulnerable. [www.shipwreckworld.com](http://www.shipwreckworld.com)

The community-based nomination process inspired the counties of Jefferson, Oswego, Cayuga and Wayne, along with the City of Oswego and the State of New York to embark together on this effort to preserve, protect, promote and create economies around such submerged historic resources. A multi-entity task force was created to develop the nomination, comprised of local governments, educational institutions, community planning and non-profit interests, all with technical support from state agencies. To fulfill the nomination requirements, these entities worked together to assess resources, management capabilities, community assets, and develop common goals regarding potential educational opportunities and economic development prospects surrounding the proposed NMS. The process also spurred a public education effort to secure wide-spread support for the proposal, bringing the potential of these untapped submerged resources to the forefront in the public mind. The positive public reaction was immediate. Attached is a list of public and business entities, local through international, which submitted written support for the proposal.

Conservation and education are important goals of an NMS. Designation of an NMS here would increase the reach and capabilities of existing national and local educational and research institutions such as, but not limited to: New York Sea Grant, several colleges of the State University of New York, Syracuse University, the NYS Office of Parks, Recreation and Historic Preservation, the NYS Museum, Erie Canalway National Heritage Corridor, the NYS Department of Environmental Conservation (DEC), Great Lakes Research Consortium, and not for-profit museums and local school districts that operate on the shores of southern and eastern Lake Ontario.

Economic development is a key factor in the proposed NMS. In 2015, the County of Oswego submitted the concept of having a NMS designated in the south-eastern quadrant of Lake Ontario to Governor Andrew Cuomo's Central New York Regional Economic Development Council (CNYREDC) through a process developed to identify ideas/projects that have the potential to transform the region in any one of a dozen or so predetermined business sectors. Our application discussed the potential economic impacts that might be brought about by the various activities that would likely result from an NMS designation. It suggested that the project would require some civic infrastructure enhancements in the lakeside communities that would see the greatest influx of visitors if the sanctuary nomination proposal is approved. Oswego County identified

\$10 million as an approximate number that could fulfill those needs. The CNYREDC recognized that this NMS initiative could, in fact, be "transformative" and selected it as one of a very few in the tourism sector to be highlighted in their 5-year plan. The regional plan was subsequently selected as one of the top three regional development plans in New York State and the region was awarded \$500 million over a five-year period to implement their strategies.

This region is already an international destination for sportfishing, diving, boating and sailing, marine recreation, and heritage tourism. An NMS would increase tourism and economic opportunity, particularly along the Seaway Trail—a 518-mile National Scenic Byway that travels directly along the entire length of the proposed sanctuary corridor. Increased tourism would have exponential effects on the communities, and the shore-based resources within them that support the education, research, exploration and access to these nationally significant submerged cultural resources.

The collaborative nomination process not only allowed the communities to develop a common vision of what they wanted the NMS to be, but also what they don't want it to be. In their heritage-based nomination, the communities and the State proposed no new regulations that would hinder other forms of economic development nor interfere with the current commercial uses of the waterways, ports and harbors.

On behalf of the nomination task force and the proposal's sponsors, I want to express appreciation for NOAA's constructive and forward-thinking nomination process.

I also respectfully urge the subcommittee to recommend to the Executive that NOAA be allowed to continue accepting nominations, and that those already in NOAA's inventory be allowed to continue through the designation process.

Respectfully,

PHILIP R. CHURCH,  
*County Administrator,*  
*Chairman,*

Great Lake Ontario National Marine Sanctuary Nomination Task Force.

## APPENDIX

**List of Supporting Entities, Letters of Support, & Petitions****State of New York**

Governor Andrew Cuomo

**Sponsoring Communities**

Cayuga County Legislature  
 City of Oswego Common Council  
 Jefferson County Legislature  
 Oswego County Legislature  
 Wayne County Board of Supervisors

**Elected & Appointed Officials**

U.S. Senator Kirsten Gillibrand  
 Congressman Richard Hannah  
 Congressman John Katko  
 State Senator Patty Ritchie  
 Assemblyman William Barclay  
 Assemblyman Robert Oaks  
 Oswego County Legislature Chairman Kevin Gardner  
 City of Oswego Mayor William Barlow  
 Legislator Margaret Kastler, Oswego County  
 Legislator Shawn Doyle, Oswego County  
 Legislator Roy Reehil, Oswego County  
 Town of Scriba Supervisor Ken Burdick  
 Oswego County Administrator Philip Church

**Local Governments**

New York State Association of Counties *representing all 62 counties of NYS*  
 North Shore Council of Governments *representing V Central Square, V. Cleveland, T. West Monroe. T. Hastings*  
 Salmon River Council of Governments *representing V. Parish, T. Parish. T. Albion. T. Amboy, T. Orwell*  
 Town of Ellisburg  
 Town of Henderson  
 Town of Huron  
 Town of Montezuma  
 Town of Ontario  
 Town of Oswego  
 Town of Sterling  
 Village of Sandy Creek

**International**

Onondaga Nation  
 Ontario Underwater Council  
 Save Ontario Shipwrecks

**Government Agencies**

New York State Canal Corporation  
 Oswego City-County Youth Bureau  
 Oswego County Emergency Management  
 Town of Huron Historian  
 Village of Sodus Point Historian  
 Wayne County Historian

**Education**

Cayuga Community College  
 Center for Instruction, Technology & Innovation—*representing nine school districts*  
 Finger Lakes Community College  
 Great Lakes Research Consortium  
 Hannibal Central School District  
 Jefferson Community College  
 New York Sea Grant  
 Roman Catholic Diocese of Syracuse  
 Sandy Creek Central School District  
 SUNY College of Environmental Science and Forestry  
 SUNY Oswego President  
 SUNY Oswego Dean, College of Liberal Arts and Sciences  
 SUNY Oswego Chemistry Department Chair

**Museums and Libraries**

Children's Museum of Oswego  
 Friends of Fort Ontario, Inc.  
 H. Lee White Maritime Museum  
 Safe Haven Holocaust Refugee Shelter Museum

**Archaeology & Historical**

New York Archaeological Council  
 Erie Canalway National Heritage Corridor  
 Georgann & Michael Wachter, Erie Wrecks  
 Half-Shire Historical Society  
 Heritage Foundation of Oswego County  
 Joseph Zarzynski, Maritime Archaeologist & Independent Scholar  
 Preservation Association of Central New York  
 Town of Ontario Historical & Landmark Preservation Society  
 Sodus Historical Society  
 Williamson-Pultneyville Historical Society

**Stewardship Organizations**

New York State Conservation Council Inc.  
 Oswego County Environmental Management Council  
 Oswego County Federation of Sportsmen's Clubs  
 Sterling Nature Center

**Economic Development**

Cayuga County Office of Tourism  
 CenterState CEO  
 Central New York Regional Planning and Development Board  
 County of Oswego Industrial Development Agency  
 Greater Oswego-Fulton Chamber of Commerce  
 Jefferson County Local Development Corporation  
 Ontario Chamber of Commerce  
 Operation Oswego County, Inc  
 Oswego County Tourism Advisory Council  
 Pulaski Fanner's Market and Preservation & Revitalization of Pulaski  
 Pulaski-Eastern Shore Chamber of Commerce  
 Town of Hastings Community Development & Tourism Office  
 Tug Hill Commission  
 Visit Syracuse  
 Wayne County Industrial Development Agency & Economic Development Corp.  
 Wayne County Economic Development and Planning  
 Wayne County Tourism

**Recreational User Groups**

Above & Below The Water Training Center  
 Auburn Skin Divers Association  
 Captain Duane Morton  
 Eastern Lake Ontario Salmon and Trout Association  
 Oswego Yacht Club

**Businesses**

Broadwell Hospitality Group  
 Fairpoint Marina  
 Kallet Theater and Conference Center  
 Pleasant Beach Hotel  
 Rainbow Shores  
 Selkirk (Salmon River) Lighthouse & Marina, LLC  
 Sunoco Ethanol  
 Universal Metal Works

**Other**

Creekside Tenants Association  
 CNY Arts Center  
 Al and Shaun Knopp  
 Oswego Harbor Festivals Inc.  
 Pulaski Lodge No. 415  
 Deanne Hall, Director of Faith Formation including a 57-signature petition and 33 student letters and drawings  
 Richard S. Shineman Foundation  
 Ms. Mary Spencer-Geer  
 Change.org online petition of signatures (121)

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MARATHON BOAT YARD MARINE CENTER  
*Marathon, FL, June 26, 2017*

Senator DAN SULLIVAN,  
 Chair,  
 Senate Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries,  
 and Coast Guard,  
 U.S. Senate,  
 Washington, DC.

Dear Senator Sullivan and Committee Members:

As a Florida Keys National Marine Sanctuary community leader, I want to thank you for the opportunity to address Congress about the importance of protecting our precious marine resources. I chair the Florida Keys National Marine Sanctuary Advisory Council and can tell you how critical the health of our surrounding waters is to the island chain, the State of Florida, the United States and the international community. Having been a member since 2004, chair for 7 years and now back in that position my perspective is broad and based significant experience.

The Florida Keys National Marine Sanctuary spans 2,900 square nautical miles from south of Miami westward to encompass the Dry Tortugas, excluding Dry Tortugas National Park. It includes the world's third largest coral reef, mangrove-fringed islands, shipwrecks and other archeological treasures as well as more than 6,000 species of marine life. Recreational and commercial activities in and around the sanctuary are the lifeblood of the Florida Keys and contribute greatly to the economy of Florida and this country.

We are in the Marine Business and know that a healthy, vibrant marine environment is critical to the success of our business. 5 million visitors are annually drawn to the only barrier reef in the continental USA and to our small chain of islands, our economy is the environment. It requires special and carefully protections to insure our children and future generations have the opportunity to enjoy this very unique part of America. Our history, Maritime Heritage, fishing, access and healthy environment needs continued protection.

The members of our advisory council-be they mayors, fishermen, dive operators or tourism and hospitality proprietors-value the balance between our strong economy and protecting the very resources that fuel it. We are currently reviewing and evaluating the rules and regulations in our sanctuary. We are finding that some areas have rebounded due to restricted use, while other areas suffer from overuse, disease and the effects of climate change. The review is a painstaking, multi-year process undertaken with the expertise of Florida Keys National Marine Sanctuary staff and partner agencies including state and Federal fish and wildlife officials. The task is arduous, but entirely necessary to maintain the equilibrium between man and nature.

I strongly encourage continued management of all the national marine sanctuaries and monuments. Thank you for considering our views.

Sincerely,

BRUCE POPHAM,  
*Chair,*  
Florida Keys National Marine Sanctuary Advisory Council,  
*Owner,*  
Marathon Boat Yard and Marine Center.

SYRACUSE UNIVERSITY  
26 June 2017

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

I am writing from a unique firsthand perspective of the strong impacts of our National Marine Sanctuaries program from its very beginning. As a 16-year-old Duke sophomore, I had the chance to help prepare for an oceanographic voyage, and then unexpectedly to join that voyage in which we discovered the shipwreck of the USS *Monitor* in 1973. Immediately after determining this was *Monitor*, our discovery team drafted an initial document for a proposal that evolved through collaboration with the state of North Carolina, *for the first national marine sanctuary, formally approved in 1975.*

As the *Monitor* National Marine Sanctuary progressed, those of us who were students now had support for accelerated technological research and scientific studies. Many students, both graduate and undergraduate, were involved. Scientists and engineers who had their start in this inaugural marine sanctuary were among the top of their peer groups, inventing new marine scientific models published in places like *Science*, and creating new technology that accelerated the field of underwater robotics. The students within the sanctuary research efforts fanned out into superb careers in research universities, technology firms, and the marine service industries. The core point is that the *Monitor* Marine Sanctuary and its successors have become accelerators in the science and technology sectors. For a relatively small cost, marine sanctuaries fuel innovation, regional economic growth, and technological sophistication.

This pattern of scientific and technological vigor witnessed off North Carolina for the *Monitor* Sanctuary has also been vividly evident in the formerly economically distressed region of Thunder Bay. This marine sanctuary has provided magnificent growth in jobs and tourism and now is considered a magnet for serious divers from across the world.

In a beautiful symmetry, four decades after *Monitor*, I am now involved in supporting scientifically *both* the emerging Mallows Bay Marine Sanctuary, where I now have research students of my own hard on innovative studies, and also in supporting the remarkable opportunity provided by the Great Lake Ontario National Marine Sanctuary proposal. Ontario is a priceless natural system that, like the region off Hatteras, preserves an underwater museum of our Nation's history. It also has the advantage that it is accessible from the shore. Those of us in the research universities of the Ontario region have been highly supportive of its potential for

both STEM innovation and large-scale tourism. Syracuse University affirms its energetic support for the Ontario project, and we envision that many students will contribute their research here, as they have in the other sanctuaries.

The National Marine Sanctuary program is a gem. I have seen firsthand the power for a 16-year-old of the dramatic boosts sanctuaries can give to talented students across economic backgrounds. It has been an honor to be a scientist that has been part of the sanctuaries' research since the inception of the program—and also to have mentored many students whose careers have also been accelerated by sanctuaries. The latest such student, a talented 21-year-old, has only just begun her research. She and I are both part of a lineage of true accomplishment and moxie among the thousands of engineers and scientists trained in the sanctuaries.

I urge you to continue to provide support to this program with such a distinguished record—and one that is keeping the United States at the forefront.

Sincerely,

CATHRYN R. NEWTON,  
*Special Advisor to the Chancellor,  
 Professor of Earth & Interdisc. Sciences,  
 Syracuse University.*

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CITY OF SHEBOYGAN  
*Sheboygan, WI, June 26, 2017*

Senator DAN SULLIVAN,  
 Chairman,  
 Senate Commerce Subcommittee on  
 Oceans, Atmosphere, Fisheries, and  
 Coast Guard,  
 Washington, DC.

Senator GARY PETERS,  
 Ranking Member,  
 Senate Commerce Subcommittee on  
 Oceans, Atmosphere, Fisheries, and  
 Coast Guard,  
 Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard:

I am writing to you on behalf of the City of Sheboygan to express our support for the current National Marine Sanctuary nomination and designation process. Protection of our greatest treasures and heritage as a national asset is very important and should be protected. The City of Sheboygan is excited about the opportunity to be part of the Wisconsin National Marine Sanctuary currently in the designation process. The City looks forward to the future opportunities that are potential with the sanctuary designation in economic development and tourism. Marine Sanctuaries are not just for divers, snorkelers, marine biologists and scientists. They reach into all facets of a community including tourism, education, workforce development, economic development, and historic preservation.

Since the process to establish a National Marine Sanctuary has begun for the mid Lake region of Wisconsin, we have heard from international travelers and businesses looking to relocate or travel here to experience the sanctuary and our coastal communities. It should also be noted that currently Sheboygan County faces a workforce shortage. With over 3,000 positions open in the County and unemployment rates of less than three percent, in order to fill positions strong efforts are being made to recruit people from other large metro areas in our large, locally owned manufacturing companies. Competing for talent is not an easy game, but one of the best resources for future workforce is the current K-12 population. Offering resources in our schools for students to experience STEM education and the ties to the sanctuary provide another reason why students would be more likely to stay in the community than join a neighboring community that offers better quality of life assets.

As the National Marine Sanctuary designation along the eastern shore of Wisconsin continues through the designation process, I urge you to continue to support these efforts. These efforts circulate money through the economy, creates jobs and protect our past through numerous socio-economically avenues. In closing, I want to personally say thank you to our two Wisconsin delegates, Congressman Johnson and Congressman Baldwin who have supported this designation from the very beginning and continue to be huge supports of this designation.

Sincerely,

MICHAEL VANDERSTEEN,  
*Mayor.*



## NORTHWEST ASSOCIATION OF NETWORKED OCEAN OBSERVING SYSTEMS

*Seattle, WA, June 26, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of  
the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and  
Coast Guard,

I am writing in support of the network of National Marine Sanctuaries that our Nation has preserved. I currently sit in the Research seat of the Advisory Council for the Olympic Marine National Marine Sanctuary (OCNMS). I see first-hand how enmeshed the Sanctuary is from all the Advisory Council participants who hail from diverse sectors including Fishing, Tourism/Economic Development, Marine Business/Ports, Conservation, Education, as well as Research. Also included on the Council are representatives of Tribal, Federal, State, and Local governments. Sanctuaries serve as a focal point for regional conversations that can enhance all of these topics and assure that any difficult conversations are had on a local level, in person, and with good discussion. Aside from the protecting critical natural habitat, the Sanctuaries are living resources because of their inclusion of these representatives. The fact that this is happening locally nationwide is a true service that is making a difference.

I also write from one of the eleven Regional Associations of the U.S. Integrated Ocean Observing System, the Northwest Association of Networked Ocean Observing Systems (NANOOS), which I direct. OCNMS has been an original member of NANOOS since 2003, and plays a key role in providing coastal ocean data to the Pacific Northwest that can be used for understanding diverse issues, such as Harmful Algal Blooms or Marine Heat Waves. In turn, their connection to the community extends the use and awareness of our data portal and products, increasing the use of ocean data to provide safe and efficient maritime operations, increase coastal hazard preparedness and risk reduction, and foster coastal stewardship for recreation and tourism.

Please continue to ensure that these national treasures are preserved. Thank you for your work on this.

Sincerely,

JAN NEWTON,  
*NANOOS Executive Director,  
Senior Principal Oceanographer,*  
University of Washington Applied Physics Laboratory.

*Cambria, CA, June 27, 2017*

Senator DAN SULLIVAN,  
Chair,  
Senate Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries and  
Coast Guard,  
U.S. Senate,  
Washington, DC.

Dear Senator Sullivan and Committee Members,

Elephant seals began coming to the beach at Piedras Blancas in 1990. Since those few first arrived, the rookery has grown to over 22,000 seals. They are never all there at once, but come and go during the year.

As do the tourists! They come from across the United States and around the world. Visitor materials are presented in several languages, to serve the people from Asia, Europe, South America and Africa who come to visit.

The county and private landowner Hearst Corporation have partnered to create a viewing place for the public to see the seals. It is free, open 24/7, and staffed entirely by volunteer docents. The people of California hold this in trust for the world.

It's a wildlife success story. Rather than conflict between wildlife and the public, it is a showcase for the public to learn about marine mammals, the importance of the ocean, and the inspiration it brings to our lives.

### Central Coast History

The Piedras Blancas elephant seal rookery is relatively new. The seals were first reported on the beach near the lighthouse in 1990. The first birth of a pup was observed in 1992. More seals arrived every year, soon causing problems along the highway.

Drivers stopped along Highway 1. Excited visitors climbed down to the beach to get close to the seals. Occasionally a seal parked himself on the highway. Collisions killed seals and totaled cars. The situation was dangerous for both sides. Something had to be done.

Usually, this kind of interaction at the border of humans and wildlife does not end well for the critters. People generally want their way, and the wildlife gets killed or chased off. Instead, local people stepped up and worked with government agencies and the Hearst Corporation to create a solution.

The individuals who envisioned a happy outcome for both seals and the public founded Friends of the Elephant Seal. They began their training program for docents in 1997, so that the public could be welcomed to observe the animals without risk to either side. People learn about the seals and their ocean habitat, and the seals live their lives unmolested. A Win-Win.

The Piedras Blancas elephant seal rookery has become a major tourist attraction. Hundreds of Thousands come from around the world to see the seals. It's an unusual opportunity for the public to see a herd of wild animals without having to take a safari.

### Save the Sanctuaries

The area is within the Monterey Bay national Marine Sanctuary. Please support the Marine Sanctuary program. It benefits local businesses as well as being an example to the world of responsible stewardship.

Thank you.

CHRISTINE HEINRICH.

CHESAPEAKE CONSERVANCY  
Annapolis, MC, 27 June 2017

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

RE: Proposed Malloes Bay-Potomac River National Marine Sanctuary  
Chairman Sullivan and Ranking Member Peters:

On behalf of the Chesapeake Conservancy, I am writing in support of the designation of the Malloes Bay-Potomac River National Marine Sanctuary. Chesapeake Conservancy is a non-profit organization that works to conserve land and increase public water access along the Great Rivers of the Chesapeake Bay.

Thirty miles south of Washington, D.C. in Charles County, Maryland is Malloes Bay, where the wooden hulls of scores of World War I era ships lie clustered in the Potomac River. These shipwrecks tell an important chapter in American history when the U.S. was on the brink of becoming the greatest shipbuilding nation in the world. Once a junkyard, these wrecks have become unique habitat for birds, fish, and other marine life and an amazing place for outdoor recreation activities like fishing and paddling.

A National Marine Sanctuary designation for Malloes Bay-Potomac River would be transformative for Charles County and for the Chesapeake Bay. National Marine Sanctuaries provide recognition and bring international attention for the historic and unique resources that comprise U.S. marine heritage. They also leverage new opportunities for recreation and tourism and become economic drivers in the communities where they are located.

Each year in Maryland, 10 million people visit state parks and generate a total economic impact of over \$650 million. According to the Outdoor Industry Association, Maryland outdoor recreation generates \$9.5 billion in consumer spending, 85,000 direct Maryland jobs, \$2.8 billion in wages and salaries, and \$686 million in state and local tax revenue. A National Marine Sanctuary would directly contribute to the recreation and tourism economy in Maryland and importantly, it would be a boon for the local economy of Charles County.

There is broad public support for the sanctuary; during the public comment period 1,100 out of 1,300 of the comments were in support. Community residents recognize that the Malloes Bay-Potomac River National Marine Sanctuary would enhance awareness and interest in the site, create new recreation and tourism opportunities, and contribute to economic growth in Charles County. We urge you to recognize the strong local support for this proposal and issue a favorable opinion on the proposed sanctuary.

Sincerely,

JOEL DUNN,  
President and CEO,  
Chesapeake Conservancy.

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ALPENA AREA CHAMBER OF COMMERCE  
Alpena, MI, June 28, 2017

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast  
Guard,  
Washington DC.

Dear Senator Peters,

The Senate Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard recently held a hearing with a focus on national marine sanctuaries. Although I was not able to complete this letter prior to that hearing, I wish to submit comment on the topic now.

As you are aware, Alpena is location of the Thunder Bay National Marine Sanctuary (TBNMS). We couldn't be prouder to be the home of this outstanding facility and area. The TBNMS has developed into a very important part of our region's economy with its impacts on tourism, education, and business development. The TBNMS impacts tourism because it is a draw for a variety of tourists from divers to water and shipwreck enthusiasts. The TBNMS has had a tremendous impact on education. From the research that happens to the students who are now involved in Remote Operated Vehicle competitions, TBNMS has helped to grow our STEM knowledge and educational opportunities. The TBNMS has also had an impact on business development as we are starting to see businesses start and become more successful based on the interests surrounding TBNMS. TBNMS helps drive the desire to explore the Sanctuary through kayaking, diving, and other activities.

Our community is stronger with greater pride because of the TBNMS. We have a much broader and deeper understanding/knowledge of our history and heritage because we are now able to understand not only what is above ground, but what lies below the water. A one-page letter is not nearly enough to communicate how strongly we feel about the value of the TBNMS, but we hope you begin to understand the impact the Sanctuary has had on our community.

Thank you for allowing me to express my thoughts.

Sincerely,

JACLYN A. KRAWCZAK,  
President/CEO.

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BOSTON HARBOR CRUISES  
Boston, MA, June 28, 2017

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

I am writing to you on behalf Boston Harbor Cruises, a New England-based whale watching company, to support the benefit of National Marine Sanctuaries to our business, the environment, and the tourism industry.

As business owners and advocates for New England's thriving tourism industry, we recognize the economic value of having healthy coasts and oceans. In 2012, tourism and travel brought in over \$17 billion in direct spending in Massachusetts alone, and the whale-watching industry was worth about \$26 million per year to the New England economy. New England is one of the country's leading regions for the boat-based whale-watching industry, treating about one million visitors every year to close encounters with an array of charismatic marine mammals.

The Stellwagen Bank National Marine Sanctuary supports a remarkable richness and diversity of ocean life. The unique bathymetry of Stellwagen Bank attracts an array of protected and endangered ocean wildlife, such as marine mammals, sea turtles, fishes, and sea birds, including the critically endangered North Atlantic Right Whale, which demonstrates Stellwagen Bank National Marine Sanctuary's importance as a foraging area for key marine species.

We value healthy protected area for our marine mammals, and fully support the National Marine Sanctuary Program.

Thank you,

LAURA HOWES,  
*Director of Marine Education and Conservation,*  
Boston Harbor Cruises.

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STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES  
*Lansing, MI, July 10, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard:

In 1981 Lake Huron's Thunder Bay became Michigan's first state Underwater Preserve dedicated to our state's maritime stories and the shipwrecks that tell those stories. In 2000 the bay became our Nation's first freshwater National Marine Sanctuary. It is jointly managed by National Oceanic and Atmospheric Administration (NOAA) and the State of Michigan.

At first there were quite a few sceptics, but in 2014 the Thunder Bay National Marine Sanctuary and Underwater Preserve expanded to nearly 10 times its original size. Why? Because the people who lived in the counties adjacent to the sanctuary saw the increased tourism and related business development it brought to Northeast Michigan and used the 2012 sanctuary management planning process to ask to become part of the success.

The sanctuary protects history-laden shipwrecks, but its positive impact on Michigan goes well beyond the maritime history it researches, preserves and shares. Area children see the potential for science careers they never imagined. Their community college offers certification in the growing field of marine technology. Local students build Remote Operated Vehicles (ROVs) that operate underwater. They not only win competitions with their work, but also drew the international ROV competition to Michigan two years ago.

Because of the sanctuary, Alpena, a community that lost one of its largest economic drivers, in 2002, is booming. Drawing more than 80,000 visitors annually, the sanctuary's Great Lakes Maritime Heritage Center features more than 10,000 square feet of interactive exhibits and has become a major tourism destination in the region. Enterprises from kayak rentals to a glass-bottom tour boat, from shops and restaurants to a new hotel and a brewery, are all part of the town's new economy. Entrepreneurs attracted to the positive spirit and opportunities of the town are creating diverse businesses that could be anywhere, but chose Northeast Michigan.

Because of the sanctuary, researchers from across the country come to Thunder Bay to test methods of surveying the shipwrecks. What they learn drives the mission of the sanctuary, but it also develops technology with many other offshore uses. This summer, NOAA and Alpena Community College will use unmanned aircraft systems (UAS) to capture shallow water high-resolution images. The University of Delaware will join NOAA in working with wide-sweeping sonar devices for deep-water exploration.

Michigan Technological University will follow this with targeted sonar exploration using an autonomous underwater vehicle. East Carolina University and National Marine Sanctuary divers will work with video that can produce 3D photogrammetric maps of underwater features.

In summary, the Thunder Bay National Marine Sanctuary has been an economic driver, an educational resource and a community building force for Michigan. To reduce this program in any way, much less to eliminate the increased access to its benefits provided by the expansion of its boundary, would be a large step backwards for the people of Michigan.

KEITH CREAGH,  
*Director.*

cc: Mr. Mark Hoffman, Chief Administrative Deputy, MDNR Ms. Sandra Clark, MDNR

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PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS  
*San Francisco, CA, July 10, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Subcommittee on Oceans, Atmosphere,  
Fisheries, and Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Subcommittee on Oceans, Atmosphere,  
Fisheries, and Coast Guard,  
Washington, DC.

Dear Chairman Sullivan, Ranking Member Peters, and distinguished members of the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard,

I write to express the Pacific Coast Federation of Fishermen's Associations' (PCFFA) strong support for the Greater Farallones National Marine Sanctuary (GFNMS) and Cordell Bank National Marine Sanctuaries (CBNMS). These sanctuaries have been developed, expanded, and managed in a manner that supports the coexistence of commercial fishing activities with marine conservation in a transparent and equitable manner. They are the pinnacle examples of what spatial management of our country's oceans and marine resources should exemplify.

PCFFA is the largest organization of commercial fishermen and women on the West Coast. For forty years, we have been leading the industry in assuring the rights of individual fishermen and fighting for the long-term survival of commercial fishing as a productive livelihood and way of life. PCFFA represents fifteen local fishermen's associations on the West Coast from Santa Barbara to the Canadian border, collectively comprising the largest commercial fishing organization on the West Coast.

Years ago, it was PCFFA that first suggested inclusion of CBNMS as part of a proposed Point Reyes/Farallon Islands sanctuary in the early hearings on the creation of the sanctuary. That recommendation was not followed, but later following undersea photographs of Cordell Bank, Cordell Bank was made a stand-alone marine sanctuary. In subsequent years, PCFFA has worked with current and former Members of Congress and Marine Sanctuary staff on the proposed boundary expansion of the northern boundaries of the two sanctuaries in order to ensure traditional fishing activity, as well as the fishing grounds, would be protected under such a boundary expansion.

PCFFA's support for these sanctuaries is based on the desire to protect the important fishing grounds and upwelling area encompassed under the expansion of these two sanctuaries. More importantly, however, it is based on the fishing community's long and cordial working relationship and collaboration with past and present management and staff of the two sanctuaries. In fact, there is probably no other government entity—State or Federal—that PCFFA and the fishing community has worked closer with than the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries.

PCFFA has long recognized and lauded the Sanctuaries' charge to protect the resources of their waters. To that end, CBNMS and GFNMS have developed a highly successful method for dealing with conflicts between fishing and the protection of sanctuary resources in the few times a conflict has arisen. When fishing conflicts, or their potential, have arisen at CBNMS or GFNMS, sanctuary management has contacted the fishing community, communicating the nature of the problem with any proposed solutions, soliciting input from the fishing community, including thoughts on the nature of the conflict and fishing community recommendations for a solution. Both sides have worked in good faith and in mutually respectful manner. If regulatory action was needed, (*i.e.*, beyond an agreement with the fishing commu-

nity), the two sanctuaries have sought resolution by taking the issue to the California Fish & Game Commission for a state managed fishery, or the Pacific Fishery Management Council for a Federal managed fishery.

This approach has proven highly successful, minimizing interference with fishing while maximizing sanctuary resource protection. The sanctuaries have recognized the authority and expertise of the fishery management entities; the fishery management entities have recognized the sanctuaries' charge to protect sanctuary resources. Indeed, the approach by the two sanctuaries to fishing issues should be a model for the nation; it is the primary reason these two sanctuaries are held in high regard by both the fishing community and fishery management entities. National Marine Sanctuaries, when managed properly as these two Sanctuaries have, allow economic activity to occur and even enhance it.

PCFFA appreciates and fully supports the continuing ban on offshore oil and gas development within sanctuary waters. We are strongly opposed to the authorization by a sanctuary superintendent (or, in fact, that superintendent's superior) of the waiving of sanctuary rules and the permitting of, among other things:

- Renewable or nonrenewable energy development, which could include petrochemical, wave, or offshore wind energy development in sanctuary waters. This is particularly troubling since such development could be harmful to sanctuary resources and there is no compelling reason along the West Coast for this form of offshore energy development given the potential for solar and wind development onshore;
- Disposal of sewage water;
- Dumping;
- Mining;
- Seismic airgun surveys;
- Installation of cables on the seafloor;
- Expanded shellfish mariculture using non-native species;
- Offshore finfish aquaculture with the potential for escapes, marine mammal interactions, pollution (*e.g.*, fecal material from these concentrated "feed lot" types of operation, pesticides used to control sea lice, herbicides used to control algae growth), spread of disease or parasites into the wild, and conflicts with navigation.

Allowing these types of non-traditional and harmful activities is contrary to the purpose of a marine sanctuary and all would be harmful to our fish stocks and fisheries. Equally troubling is the potential for circumventing current sanctuary engagement in fishery management through efforts to designate certain sanctuary waters as special areas (*e.g.*, research) and then close them to fishing.

GPNMS, CBNMS, and other well designed and well managed Sanctuaries have long enjoyed the support of commercial fishermen throughout the United States. The important protections that they bring must remain intact and robust in order to safeguard the working families of California's coastal communities. I strongly encourage you to support the sanctuaries that enjoy fishermen's support as you evaluate their impacts to the marine economy and the living marine resources of the United States.

Sincerely,

NOAH OPPENHEIM,  
*Executive Director.*

NEW YORK AQUARIUM  
*Brooklyn, NY, July 11, 2017*

Senator DAN SULLIVAN,  
Chairman,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Senator GARY PETERS,  
Ranking Member,  
Senate Commerce Subcommittee on  
Oceans, Atmosphere, Fisheries, and  
Coast Guard,  
Washington, DC.

Re: Comment Letter regarding Senate Commerce Committee June 27, 2017 Hearing on Marine Sanctuaries: Fisheries, Access, the Environment, and Maritime Heritage

The Wildlife Conservation Society (WCS) submits the following comments as a part of the record for the Senate Commerce Committee's June 27, 2017 hearing on

Marine Sanctuaries. As the Commerce Committee conducts its oversight of the National Marine Sanctuary (NMS) Program, WCS encourages committee members to continue to reaffirm and support the stakeholder driven National Marine Sanctuary nomination and designation process.

WCS saves wildlife and wild places worldwide through science, conservation action, education, and inspiring people to value nature. To achieve our mission, WCS, based at the Bronx Zoo, harnesses the power of its Global Conservation Program in nearly 60 nations and in all the world's oceans and its 5 wildlife parks in New York City, visited by 4 million people annually. WCS combines its expertise in the field, zoos and the aquarium to achieve its conservation mission. To ensure a safe place for wildlife in New York's waters, the Wildlife Conservation Society's New York Aquarium conducts scientific research, advocates for species and habitat protection, promotes sustainable ocean use, and cultivates local marine conservation stewardship.

There are currently 13 sanctuaries in the NMS network, from the Olympic Coast to the Florida Keys. Each sanctuary, managed by the National Oceanic and Atmospheric Administration (NOAA), is dedicated to the conservation of unique and valuable marine ecosystems as well as economic, cultural and historical resources. And while all the sanctuaries emphasize resource protection and decision-making based on the best available scientific and socioeconomic data, they are managed with local input from stakeholders to address their own individual issues and needs. The long-term success of the NMS network is due in large part to the devotion to local input and needs. They provide diverse opportunities for public use and education, collaborative management, economic growth, commercial and recreational fishing, and scientific exploration.

The sanctuary nomination process that NOAA oversees is built on this same strong foundation of stakeholder and community engagement with multiple, transparent opportunities for dialogue. From the very beginning, NOAA expects communities nominating a marine area to build support from the public, multiple and diverse ocean users and local decision-makers. By creating a process that relies on local stakeholder input and support from the very beginning, NOAA is best ensuring the long-term community support that forms the foundation for success of a new NMS.

With a long-term commitment to research in the New York Bight and after conducting several months of public, stakeholder and decision-maker outreach, WCS's New York Aquarium engaged in NOAA's new process for designating a NMS by submitting a proposal to create the Hudson Canyon National Marine Sanctuary. To support the nomination, WCS built a diverse group of stakeholders that includes aquariums, NGOs, local businesses, elected officials, members of the public and others in the effort to nominate Hudson Canyon for sanctuary status. WCS also met with representatives from the commercial and recreational fishing industry. Based on those meetings, WCS recommended that fisheries in and around Hudson Canyon continue to be regulated through existing regional and Federal entities, not through a National Marine Sanctuary designation. NOAA's community-based approach to the nomination process had a positive influence on the nomination and we believe that it will also have a very beneficial effect on the sanctuary itself if created.

WCS firmly believes that marine sanctuaries provide a science-based, community-driven approach for conservation and stewardship while balancing multiple sustainable uses that benefit our communities and economy, including recreational and commercial fishing and sustainable tourism. Sanctuaries also provide a place-based approach to increase public access to the ocean, expand opportunities for marine research, and monitoring, and support the development and dissemination of educational programming and materials. A Hudson Canyon National Marine Sanctuary designation would extend many of these benefits to the residents of New York and New Jersey.

WCS would like to also note concerns about President Trump's Executive Order Implementing an America-First Offshore Energy Strategy and in particular its requirement that oil and gas reserves be assessed for sanctuaries designated or expanded during the last ten years as well as for the newly nominated sanctuaries. Nationwide, existing marine sanctuaries contribute \$8 billion to local coastal and ocean-dependent economies from diverse sectors like commercial and recreational fishing, research, and tourism-related activities. In the Mid-Atlantic, tourism, recreation, and living resources represents approximately 93 percent and 70 percent of the state ocean economy in New York and New Jersey, respectively. These important economic activities, dependent on healthy ocean ecosystems, could be threatened by oil and gas exploration and development in the region.

The New York Bight's local marine waters support a world-class metropolitan region, a rich maritime history, and highly productive fisheries, meriting recognition

as a national treasure. A National Marine Sanctuary in these waters would provide opportunities for tri-state communities to advance sustainable use and conservation of our local waters. WCS asks that you support the community driven nomination and designation process and help ensure it continues so that new sanctuaries, including in Hudson Canyon, can provide special places for Americans to enjoy and use today while securing an ecological legacy for generations to come.

Thank you,

JON FORREST DOHLIN,  
Vice President and Director,  
Wildlife Conservation Society's New York Aquarium.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO  
ERNEST WEISS

*Question 1.* Mr. Weiss, can you share any examples from Alaska where the existing fisheries management system is adequately protecting fisheries and habitat resources yet you are forced to fend off the threat of sanctuaries or monument designations in the absence of adequate scientific justification? What can we do here in Congress to minimize the potential for these problems in the future?

Answer. The Aleutian Island National Marine Sanctuary proposed by PEER in December 2014 would have engulfed all of the Aleutian Islands and Bristol Bay as well as most of the Alaska Peninsula. It should be noted that there are already significant fishery and habitat protections in the region that were adopted through the rigorous scientific and public process of the North Pacific Fishery Management Council. Over 95 percent (277,100 nm<sup>2</sup>) of the Aleutian Island fishery management area is closed to bottom trawling to protect benthic habitat including coral communities. Additionally, there are other habitat areas of particular concern in the region and fishery closures and vessel transit restrictions for the protection of Steller sea lion populations. A good resource displaying some of the many marine protected areas in Alaska can be found at this link: [http://marineprotectedareas.noaa.gov/helpful\\_resources/inventoryfiles/AK\\_Map\\_090831\\_final.pdf](http://marineprotectedareas.noaa.gov/helpful_resources/inventoryfiles/AK_Map_090831_final.pdf)

Congress can and should recognize the Regional Fishery Management Council process in the Magnuson-Stevens Act (MSA) as the prevailing system to develop fishery and fish habitat protections and regulations, with possible advisory input from marine sanctuary managers.

*Question 2.* Are you aware of any efforts by outside stakeholders or Federal officials to advocate for public sanctuary nominations to be considered for national monument designations?

Answer. I am not personally aware of any efforts to designate any National Marine Monuments. I am aware that the National Marine Monument designation process seems to require considerably less public process than either the Regional Fishery Management Council process or the National Marine Sanctuary process. And that is a chilling thought.

*Question 3.* Does the indirect use of sanctuary stature, in advocating for fishing restrictions in other state and Federal processes, constitute a violation of the science and public process requirements of the national standards found in the MSA?

Answer. I am not sure if the Sanctuary process violates MSA. In my opinion it does conflict with, and potentially undermine the Council process and the MSA National Standards. The Regional Fishery Management Councils work hard under MSA to balance the sometimes competing National Standards, while also adhering to the National Environmental Protection Act, the Marine Mammal Protection Act and the Endangered Species Act.

*Question 4.* Under EO 13795 the Trump Administration is re-examining a number of sanctuary and monument designations. For example, the Northeast Canyons and Pacific Remote Islands National Monument designations took nearly a total of 60 million acres off the table from commercial fishermen with the stroke of a pen and no public or scientific processes to justify or even evaluate these long term & impactful restrictions. Let me ask the PANEL, in your opinions as marine stakeholders, is this an appropriate way for the Executive Branch to manage large tracts of our marine environment?

Answer. I believe that the public process and scientific method of the Regional Fishery Management Councils is the most appropriate method to manage our marine environment related to fishing. Executive actions should not be used to manage fishery resources. The normal marine sanctuary nomination process under the limits of the National Marine Sanctuaries Act is preferred. However, the June 13, 2014 Final Rule in the *Federal Register* "Re-establishing the Sanctuary Nomination Proc-



ess” should be rescinded or revised by the Administration to prevent the influx of nominations we have seen in the Aleutians and elsewhere around the country, which could well develop into potential monument designations.

*Question 5.* Can any of you share an example where Sanctuary management advocated for or implemented fishing restrictions that were consistent—or not, with Magnuson Act process and requirements?

Answer. Since there are no National Marine Sanctuaries currently in Alaska, I cannot comment. I can say that the Sanctuary Nomination process is not fully consistent with the National Standards in MSA that the Regional Fishery Management Councils strive to uphold.

*Question 6.* Would you be in favor of Congress more clearly clarifying who manages fishery resources in marine sanctuaries? And would the preferred ruling statute be the Magnuson-Stevens Act?

Answer. Yes, I would support Congressional clarification on which is the controlling statute. The law should be clear that the Magnuson-Stevens Act is the ruling authority regarding fishery and habitat marine resources.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. GARY PETERS TO  
ERNEST WEISS

*Question.* Cultural and Maritime Heritage Resources in Sanctuaries: National Marine Sanctuaries protect non-fishery resources in addition to fisheries in some sanctuaries across the country. For example, Thunder Bay Sanctuary in Michigan protects historic shipwrecks and maritime heritage from degradation. In your written testimony, you note that you believe the regional fishery management councils should take the lead on managing resources of national significance like our national sanctuaries. How would the regional fishery management council approach take into account cultural and maritime heritage resources unrelated to fishing?

Answer. Thank you for the question regarding my testimony to the Subcommittee on June 27, 2017 regarding marine sanctuaries. My experience and testimony mainly pertains to the fisheries of Alaska and the waters of the North Pacific. In regards to fisheries regulations for Federal waters, I believe that the Regional Fishery Management Council, with a rigorous public process and best science approach, should be the lead authority.

There are no National Marine Sanctuaries in the North Pacific, however the North Pacific Fishery Management Council has put in place many protections and fishing restrictions to preserve fishery and non-fishery resources including coral communities.

The many Steller sea lion protection areas in the Aleutian Islands, Bering Sea and the Gulf of Alaska are considered National Heritage conservation. These thousands of nautical square miles of protected areas employ fishing restrictions adopted through the Fishery Management Council process.

I agree that the National Marine Sanctuary Act is an appropriate tool to protect historical shipwrecks of national significance. I recently enjoyed reading about how the very first marine sanctuary was created to protect the civil war ironclad USS *Monitor*. The problem is when sanctuaries are used to protect expansive marine spaces, and fisheries management is undertaken within the boundaries absent critical scientific and public processes.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO  
CAPTAIN SCOTT HICKMAN

*Question 1.* Fishing regulations vary depending on the Sanctuary, can you outline the fishing regulations imposed on the Flower Garden Banks National Marine Sanctuary and how you think they have affected the economy in the region?

Answer. The current fishing regulations for the Flower Garden Banks National Marine Sanctuary impose very stringent restrictions on commercial fishing, while not prohibiting commercial fishing activities all together. Certain gear types, like bottom longlines are prohibited as well as anchoring within the sanctuary. This is understandable, as fishermen are supportive of protecting coral communities and understand their vital importance to the ecosystem. As it pertains to the current proposed expansion, these restrictions are very concerning when coupled with the large rectangular boundaries without coral communities. This leaves large areas of productive fishing grounds, void of corals, with no commercial fishing access. There are great opportunities to partner with industry to ensure coral protections while promoting access as well. Development and implementing a fishermen's education

program and best use practices for fishermen wishing to utilize areas within the sanctuary boundary would be a great first step.

*Question 2.* As part of the Advisory Council, you had a leadership role in the community in working closely with NOAA as the agency fulfilled its broad consultation requirements, which mandate that everyone from local governments to “other interested persons” have the opportunity to weigh in on the “terms of designation” of the marine sanctuary.

*a.* How many years did this process take?

*b.* At its conclusion, did you feel that the agency heeded any of the community and stakeholder suggestions?

*c.* Did the structure of the Flower Garden Banks Marine Sanctuary reflect the suggestions of the consultants?

Answer.

*a.* I’m unsure of how many years this took place, but I do know that the topic of sanctuary expansion has been ongoing. Over 10 years considering the recommendation of a previous FGBNMS recommendation for expansion in 2007.

*b.* Following the release of the Draft Environmental Impact Statement, it was clear to me that the agency heeded community and stakeholder suggestions when convenient to meet expansion aspirations. There have been many further discussions and recommendations since, and we shall see what recommendations were seriously considered and taken into account during a Final Environmental Impact Statement, if any. This could be a betrayal of trust in a process based on stakeholder engagement.

*c.* The structure of the sanctuary advisory council, and boundary expansion working group both reflect stakeholder groups and consultants in the process very well.

*Question 3.* How do you think the process for future expansions could be improved?

Answer. The process could be dramatically improved through the addition of some type of weighting of Sanctuary Advisory Council recommendations to the sanctuary superintendent.

*Question 4.* Under EO 13795 the Trump Administration is re-examining a number of sanctuary and monument designations. For example, the Northeast Canyons and Pacific Remote Islands National Monument designations took nearly a total of 60 million acres off the table from commercial fishermen with the stroke of a pen and no public or scientific processes to justify or even evaluate these long term & impactful restrictions. Let me ask the PANEL, in your opinions as marine stakeholders, is this an appropriate way for the Executive Branch to manage large tracts of our marine environment?

Answer. This is not acceptable for mixed use areas belonging to the people of the United States of America.

*Question 5.* Can any of you share an example where Sanctuary management advocated for or implemented fishing restrictions that were consistent—or not, with Magnuson Act process and requirements?

Answer. The best opportunity for this would be in the consultation with the Gulf of Mexico Fishery Management Council recommendations on regulations in the expansion. This is ongoing and will ultimately be reflected in the Final Environmental Impact Statement.

*Question 6.* Would you be in favor of Congress more clearly clarifying who manages fishery resources in marine sanctuaries? And would the preferred ruling statute be the Magnuson-Stevens Act?

Answer. It would be hugely helpful, as a stakeholder, to have a streamlined and well defined process of engagement and management responsibilities of fishery resources in National Marine Sanctuaries. The Magnuson Act serves as a monumentally successful piece of legislation and is responsible for the successful rebuilding and recovery of many of our nations’ fishery resources. It stands to reason that National Marine Sanctuaries be defined and recognized in their own authorizing act. But to the extent practicable, overlap and gray areas between the two should be kept to a minimum.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GARY PETERS TO  
CAPTAIN SCOTT HICKMAN

*Question 1.* Stakeholder Input: In your testimony, you detailed the importance of collaboration and listening that are inherent to Sanctuary Advisory Committees, such as the one on which you serve. Providing avenues for stakeholder input, such as through the Sanctuary Advisory Committees, and having community-driven processes are crucial parts of the National Marine Sanctuary program. With so many stakeholders and diverse groups represented, how are differences of opinion worked out to develop the solutions, referenced in your testimony?

Answer. Collaboratively, with every stakeholder group having two representatives at our Sanctuary Advisory Council meetings. We establish either subcommittees of just SAC members, or working groups of SAC members AND outsider parties, to consider every major issues, such as boundary expansion, and reefing-in-place the legacy petroleum platform that was included in the sanctuary when created in 1992. The platform had been put there by Mobil in 1981, and we are in the last stages of reefing—its 60–400’ deep jacket in place.

*Question 2.* Creating Economic Opportunities: Resources, whether cultural, scientific, or environmental, that National Sanctuaries preserve and protect can be the genesis of new beginnings with a sanctuary’s designation. The Thunder Bay Sanctuary completely transformed the City of Alpena, Michigan. The Sanctuary designation has given Alpena notoriety and provided resources through which to develop not just the city but the entire tri-county area into maritime cultural landscape. This rejuvenated an economy with \$100 million in sales associated with sanctuary activities, \$39.1 million in personal income to residents, \$59.1 million in value added, and over 1,700 jobs. How does the Flower Garden Banks Marine Sanctuary affect your charter fishing business?

Answer. Unfortunately, it pretty much restricts my commercial business from even fishing its deep flanks around the two main coral capped domes at 300’ or less. As more platforms are removed and not reefed around the sanctuary area, the deep flanks of these domes will be the only place to fish. Please try and get the BOEM-BSEE Rigs-to-Reef Program quickly improved and amended to allow for all the remaining petroleum production platforms in the GOM everywhere, to be reefed-in-place. They’ve removed 2,500 platforms in 10 years, and there are only 2,100 remaining. Within 5 years, the situation will soon be critical with only 25 banks along the shelf edge to fish, and a couple hundred platforms left, if that many.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO  
CAPTAIN JEREMIAH O’BRIEN

*Question 1.* In 2016 the Alaska Federation of Natives passed a resolution that opposes the creation of any national marine monument that, “jeopardizes the economic health and vitality of one or more rural communities reliant on commercial and/or subsistence fisheries”

- Can you speak to the economic impacts marine sanctuaries have had in your region?
- What about as it relates to infrastructure development?

Answer. The actions of the Channel Islands and Monterey Bay National Marine Sanctuaries (NMSs) have had largely negative economic impacts on recreational and commercial fishermen in the Central Coast of California. Most of this occurred as a result of these sanctuaries role in creating Marine Protected Areas (MPAs)—no or limited fishing zones—that identified the best fish habitat and removed much of it from fishing. I do not know what the dollar impact is from the Channel Islands National Marine Sanctuary (CINMS) closures are, but I do know of one experience where a squid fisherman sold his boat after the CINMS/State closures, being so discouraged by his best spots being taken away, and by what he felt was a process stacked against fishermen. For the CINMS, the MPA effort in state waters utilized state law, but with great CINMS influence. The CINMS also changed its designation document and created a water column no-fishing zone in Federal waters—creating more lost fishing opportunity.

For the Monterey Bay NMS, they also heavily influenced the state process to create no fishing zones. The state estimated the loss to just commercial fishermen at just under one million dollars per year, but a subsequent peer review of the state’s economic methodology showed that it likely greatly underestimated the cost. No accounting was provided for recreational fishing’s lost opportunities. Rec fishing is big business so I imagine the loss was about equal to commercial fishing. In this state

process, we lost 18 percent of state waters to MPAs, but an analysis showed that the 18 percent represented 45 percent of the best hard bottom habitat—where the fish are! We also had to spend @ \$40,000 to conduct a FOIA on Monterey Bay National Marine Sanctuary (MBNMS) records of its MPA role, and to provide science products to show there was no science basis for new MBNMS MPAs in Federal waters.

I have heard that MBNMS regulations for dredging have cost the harbors dearly, but I don't know the dollar cost. People, including researchers, who do anything that impacts the bottom or discharges have to get a permit from the sanctuaries. This takes time and has a cost to it. In terms of larger economic impacts, I believe that a survey of hotels and restaurants would show that very few jobs have been created because of the sanctuary status. People come to our area of California because it is beautiful, not because it is a sanctuary. When I hear numbers thrown out that "sanctuaries generate 8 Billion dollars of economic growth", I have to laugh. The sanctuaries seem to be taking credit for the business income that already exists—sanctuaries don't cause this.

Regarding infrastructure development, there are sanctuary visitor centers in CINMS and MBNMS. My sense is that people visit them when they are in the area for other reasons—they largely don't come to the area just to visit the centers. They provide information about sanctuary resources which is a good thing. I think the sanctuaries are trying to place weather info stations and signage at the harbors, a good idea. I do hope they stop sending sanctuary staff to exotic South Pacific Islands for "dive certifications".

*Question 2.* Can you provide some examples of redundant fishing regulations in the Sanctuaries in the Pacific?

Answer. As I have previously explained, most of the sanctuary's actions have been in their using their stature and Federal funds, to influence the regulations of other agencies. The CINMS Federal waters MPA is an exception as that is a sanctuary regulation. I personally believe there is no environmental benefit to that MPA, so it was needlessly redundant to other management authorities which have stronger science capabilities.

Regarding using National Marine Sanctuary (NMS) influence, please be aware that the MBNMS ignored the best available science on creating MPAs in the state process. They would not acknowledge the many other forms of fishing regulation and habitat protection that exist, so, in this way, the sanctuary's actions were redundant and costly to fishermen. As I testified, I believe the fishing regulation in the NMSA (16 U.S.C. 1434, Sec. 304–a–5) is both redundant and in conflict with the requirements of the MSA. I hope Congress clarifies that the Marine Sanctuary Act (MSA) with its national standards prevails for fishing and habitat protection.

*Question 3.* Do you have any recommendations for how we could reduce the duplicative bureaucracy when it comes to developing fishery regulations in Sanctuaries?

Answer. Remove the "fishing" section from the National Marine Sanctuaries Act (NMSA). Additionally, place limits on the lobbying NMSs can do to other fishery management agencies. NMSs simply do not have the science capabilities nor the credible public process to be involved in fishery issues or issues that affect fishing.

*Question 4.* Under EO 13795 the Trump Administration is re-examining a number of sanctuary and monument designations. For example, the Northeast Canyons and Pacific Remote Islands National Monument designations took nearly a total of 60 million acres off the table from commercial fishermen with the stroke of a pen and no public or scientific processes to justify or even evaluate these long term & impactful restrictions. Let me ask the PANEL, in your opinions as marine stakeholders, is this an appropriate way for the Executive Branch to manage large tracts of our marine environment?

Answer. NO. It bypasses the public process and good science. Fishermen in particular have sacrificed a great deal to get to sustainable fisheries only to have that disregarded by such an executive action.

*Question 5.* Can any of you share an example where Sanctuary management advocated for or implemented fishing restrictions that were consistent—or not, with Magnuson Act process and requirements?

Answer. I can only speak to my experience with the CI and MBNMSs. I don't think anything they have done is consistent with the MSA and the way that the Regional Fisheries Management Councils (RFMCs) would be required to examine the need for a regulation like a closure.

*Question 6.* Would you be in favor of Congress more clearly clarifying who manages fishery resources in marine sanctuaries? And would the preferred ruling statute be the Magnuson-Stevens Act?

Answer. YES. MSA should prevail and the fishing section of the NMSA should be removed.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GARY PETERS TO  
VICE ADMIRAL CONRAD C. LAUTENBACHER JR.

*Question 1. Creating Economic Opportunities:* Resources, whether cultural, scientific, or environmental, that National Sanctuaries preserve and protect can be the genesis of new beginnings with a sanctuary's designation. The Thunder Bay Sanctuary completely transformed the City of Alpena, Michigan. The Sanctuary designation has given Alpena notoriety and provided resources through which to develop not just the city but the entire tri-county area into maritime cultural landscape. This rejuvenated an economy with \$100 million in sales associated with sanctuary activities, \$39.1 million in personal income to residents, \$59.1 million in value added, and over 1,700 jobs. In your testimony, you shared that across the National Marine Sanctuary system, about \$8 billion is generated for local economies. What is the best way to encourage these types economic opportunities for other coastal communities?

Answer. National Marine Sanctuaries have been enormously successful in generating new economic activity, as well as educating the public on the need for conservation and sustainability. Clearly, better and more comprehensive understanding and advertising of the overall value of a National Marine Sanctuary is in order, and much of that can and should be accomplished by the communities that are currently benefiting from the increases in both sustainability and economic activity. Users and beneficiaries are always very credible spokespersons.

*Question 2. Differences between Sanctuaries and other Marine Protected Areas:* Your written testimony described an extensive designation process that only occurs after what sounds like an equally rigorous nomination process. Not all of our marine protected areas go through as an extensive series of hoops to be recognized. What characteristics makes sanctuaries unique from other protected areas?

Answer. Sanctuaries are unique from other protected areas for a variety of reasons. First and foremost is the rigorous and inclusive community-based nomination process created to ensure a sanctuary is welcomed and supported into the area. Then the public designation process created by the National Marine Sanctuaries Act ensures that the sanctuary will provide coordinated management that complements existing authorities. Sanctuaries are designed to allow and encompass multiple activities and support a wide range of objectives which are ideally suited to the areas and the users alike.

*Question 3. Determining Restricted Activities:* The Thunder Bay National Marine Sanctuary emphasizes protecting the shipwrecks, which allows for many other uses throughout the sanctuary. Who determines what will and will not be allowed within a designated sanctuary?

Answer. The nomination and designation processes are very detailed and require multiple submissions, discussions, and public comments periods regarding the projected uses and purposes of a sanctuary. Complete public airing and discussion continues throughout the process. As with any other public activities in the United States, sanctuaries are subject to the laws of the land such as the National Marine Sanctuaries Act itself, and such other directives including the Endangered Species Act, and the Magnuson-Stevens Fisheries Act for example. Sanctuaries also have management plan reviews once established that gather input from the community and the sanctuary advisory council on to adapt management of the area over time.

*Question 4. Resources in Sanctuaries:* In my home state of Michigan, the Thunder Bay National Marine Sanctuary has allowed us to protect the part of Lake Huron known as "Shipwreck Alley". The unpredictable weather in this treacherous stretch of water has caused numerous shipwrecks over the years, and the cold, freshwater of the Lake has preserved a chronology of maritime heritage for us today. The historical and cultural resources preserved by the Thunder Bay Sanctuary are but one of the many types of resources Sanctuaries preserve and provide. Can you detail the variety of resources that our National Marine Sanctuaries provide us?

Answer. Sanctuaries provide protection for a wide range of resources and objectives from historical to conservation. Resting places of ships important to our history like the *Monitor* and the Lake Huron "Shipwreck Alley" are included. Coral reef resources are essential parts of a number of sanctuaries and draw visitors who bring billions of dollars to local economies. Many sanctuaries include invaluable fishing and recreation areas popular with the public and critical for a sustainable future. The reasons for establishing a marine sanctuary include a long list of cultural, his-

torical, recreational, and biological purposes and goals. Each one is unique as stated in its specifically designed charter. The flexibility and multiple uses commonly included are originated and celebrated by the local users and supporters.

*Question 5.* Synergies with other NOAA programs: One of the best assessments of the economic, cultural, and ecological benefits in the tri-county area boarding the Thunder Bay National Marine Sanctuary was completed through Michigan's Sea Grant Program. When you were administrator how did you witness the Office of National Marine Sanctuaries interfacing with other NOAA offices and programs? And how do those synergies benefit communities?

Answer. NOAA is a unique example of a national organizational structure that brings together the great majority of national programs and resources that relate to the ocean and atmosphere, including the biology and living resources. The Office of National Marine Sanctuaries is an integral part of the National Ocean Service within NOAA and is fully integrated with related programs in other parts of NOAA, especially those within Fisheries and Research. Connection and consultation is a part of the NOAA gene structure. Many missions of NOAA are reliant on cooperative connections across and within the various NOAA line offices. These are exercised daily in NOAA's continuing quest to serve the Nation with the best possible management of resources and programs within their multiple areas of responsibility. The Office of National Marine Sanctuaries was during my tenure, and remains, a poster child example of cross collaboration and cooperation.

*Question 6.* Importance of All Benefits from Sanctuaries: From my visits to different sanctuaries, I have seen a variety of different benefits from protecting maritime heritage, cultural sites, fishing access, and conservation for threatened species; all dependent on the goals of each sanctuary. Sadly in April, the president issued an executive order that places a narrow focus on potential energy and mineral resources, but our sanctuaries provide numerous other uses and benefits beyond their energy resource potential. Can you elaborate on the importance of these other benefits to communities served by Sanctuaries and why it is so important to avoid such the myopic focus taken by the current administration on these protected areas?

Answer. While energy and mineral resources are certainly vital to national economic security, they represent only one piece of a very complex combination of human activities and resources that provide for our overall economic security. A healthy ocean is essential to a long list of activities that form the basis of human health and prosperity.

Our personal health, jobs, food security, transportation, economic activity, and overall quality of life are supported by and continually rejuvenated by the ocean. This is a "blue" planet; everything we are and have today came from and continues to come from the ocean. We neglect the health of the ocean only to our great peril now and in the future. Sanctuaries are one of the absolutely necessary commitments to protecting, celebrating, and ensuring the health of the ocean, and consequently the foundation of our security now and in the future.

*Question 7.* Leveraging National Marine Sanctuaries: In your testimony, you state that Nation Marine Sanctuaries "with increased support can play a major role in actually reversing the downward trend [of our oceans and Great Lakes]". In what ways do we need to increase our support and leverage the full suite of benefits possible from setting aside the areas that compose the National Marine Sanctuary system?

Answer. The comprehensive management of the national marine sanctuaries brings together diverse stakeholders to develop innovative solutions to managing our oceans and Great Lakes. The sanctuary research, monitoring, education, and outreach programs help communities understand the economic, cultural and ecological importance of their areas and help find options to address issues of concern. Sanctuaries bring together the public to engage in managing their unique area now and into the future. Increased community support and engagement will bring additional benefits.

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