



June 27, 2016

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

The nation's eight Regional Fishery Management Councils are charged under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) with managing, conserving, and utilizing fishery resources. The Council Coordination Committee—which consists of the senior leaders of the Councils—respectfully requests your consideration of the attached resolution. We recommend that, if any designations impacting fishing activities are made within the U.S. exclusive economic zone (EEZ) waters under authorities such as the Antiquities Act of 1906, management of fisheries, including designation of essential fish habitat, continues to be developed, analyzed and implemented through the public, transparent, and science-based management process required by the MSA.

The Councils protect essential fish habitat, minimize bycatch, and comply with protections for species listed under the Endangered Species Act, marine mammals and seabirds within the U.S. EEZ. Through implementation of the MSA, the United States is the global leader in the successful conservation and management of fishery resources and associated ecosystems in a proactive sustainable manner. Spatial management, such as marine protected areas, is one of the tools utilized by the Councils. Through the Council process, more than 1,000 individual spatial habitat and fisheries conservation measures have been implemented protecting more than 72 percent of the nation's ocean waters. The Councils use a public process, in a transparent and inclusive manner, and rely on the best scientific information available as required by the MSA. As a result, we not only meet conservation objectives but also ensure sustainable seafood for U.S. consumers, promote the economies of coastal communities and maintain the social-cultural fabric of our nation's recreational, commercial and subsistence fishing communities.

We are concerned that decisions to close areas of the U.S. EEZ through statutory authorities such as the Antiquities Act of 1906 may not take into account MSA requirements to achieve optimum yield from the nation's fishery resources and may negatively impact jobs and recreational opportunities. We are concerned that authorities such as the Antiquities Act of 1906 do not explicitly require a robust public process or science-based environmental analyses. Designations, such as marine national monuments, may disrupt our ability to continue to manage fisheries throughout their range and in an ecosystem-based manner. Marine monument designations can be counterproductive as they may shift fishing effort to less sustainable

practices that are not regulated by the U.S. For all of these reasons, we believe fisheries management decisions should be made using the robust process established by the MSA and successfully used for over forty years.

Your ocean legacy includes significant progress in curbing illegal, unregulated and unreported (IUU) fishing and minimizing our nation's dependence upon seafood imports. We hope you will continue to support our nation's sustainable fisheries and fishing communities by ensuring that fishing in the U.S. EEZ continues to be managed through the MSA.

Respectfully,

Carlos Farchette, Chair
Caribbean Fishery Management Council

Dan Hull, Chair
North Pacific Fishery Management Council

Kevin Anson, Chair
Gulf of Mexico Fishery Management Council

Dorothy Lowman, Chair
Pacific Fishery Management Council

Richard Robins, Chair
Mid-Atlantic Fishery Management Council

Michelle Duval, Chair
South Atlantic Fishery Management Council

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

Edwin Ebisui Jr., Chair
Western Pacific Fishery Management Council

Enclosure: CCC May 24-26, 2016, Marine National Monuments Resolution
Marine Protected Areas Established by Regional Fishery Management Councils
Antiquities Act of 1906

CC: Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Penny Pritzker, U.S. Secretary of Commerce
Sally Jewel, U.S. Secretary of the Interior
Senator Lisa Murkowski, Chair, U.S. Senate Committee on Energy and Natural Resource
Congressman Rob Bishop, Chair, US House Committee on Natural Resources

Outcomes Statement and Recommendations

Council Coordination Committee

MARRIOTT BEACH RESORT
ST. THOMAS, U.S.V.I.
MAY 24-26, 2016

Marine National Monuments

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

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

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

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

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

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

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

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

Whereas, the designation process of marine national monuments under the Antiquities Act of 1906 does not explicitly require a robust public process or that decisions be based on a



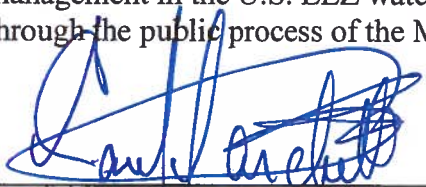
science-based environmental analyses, and does not require fishery management or conservation as an objective;

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

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

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

Therefore be it further resolved, the CCC recommends that if any designations are made in the marine environment under authorities such as the Antiquities Act of 1906 that fisheries management in the U.S. EEZ waters continue to be developed, analyzed and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.




Carlos Farchette, Chair
Caribbean Fishery Management Council




Dan Hull, Chair
North Pacific Fishery Management Council



Kevin Anson, Chair
Gulf of Mexico Fishery Management Council



Dorothy Lowman, Chair
Pacific Fishery Management Council



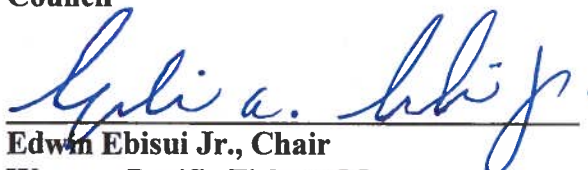
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Marine Protected Areas Established by the U.S. Regional Fishery Management Councils

72% of the nation's marine waters are protected by spatial management measures established through the scientifically based and transparent public process of the Magnuson-Stevens Act

- **The New England Council** established **8,923 square miles** (roughly the size of New Jersey) of habitat and groundfish management areas that restrict fishing activity, such as mobile bottom tending gear.
- **The Mid Atlantic Council** protects **4,600 square miles** through its Northern and Southern Scup Gear Restricted Area (GRA) and **177 square miles** through its Tilefish GRA. The proposed Frank R. Lautenberg Deep Sea Coral Protection Area would cover an additional **38,200 square miles**.
- **The South Atlantic Council** protects **24,697 square miles** as Coral Habitat Areas of Particular Concern and Marine Protected Areas/Special Management Zones in the South Atlantic where bottom-tending gear (bottom trawls, traps, rock-hopper rigs, bottom longline gear, etc. are prohibited. Proposed Spawning Special Management Zones will be submitted for formal review in June 2016.
- **The Gulf of Mexico Council** protects **214,000 square miles** through closures and gear restrictions.
- **The Caribbean Council** has established **869 square miles** of protected area.
- **The Pacific Council** protects **130,000 square miles** (about 42% of the US exclusive economic zone waters off the West Coast) from bottom trawling and, in some cases, other types of bottom contact fishing.
- **The North Pacific Council** has closed more than **600,000 square miles** of waters (66% of the area managed by the North Pacific Council) to all fishing or to bottom tending gear to protect habitat, marine mammals and spawning/nursery areas.
- **The Western Pacific Council** closed its entire **2.2 million square miles** of waters (100% of the area managed by the Western Pacific Council) to bottom tending gears, explosives and poisons. It also established spatial management measures covering **397,667 square miles** (about 18% of its jurisdiction) to protect a range of habitats, ecosystems and species, such as deep-water coral, coral reefs, lobsters and Hawaiian monk seals.

American Antiquities Act of 1906

16 USC 431-433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fied unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved, June 8, 1906