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**California fishing groups unite to fight offshore monuments
that prohibit commercial fishing**

July 7, 2016 -- A collection of more than 40 West Coast commercial and recreational fishing groups, working in conjunction with the National Coalition for Fishing Communities, has written to the White House, the Secretaries of Commerce and Interior, and officials in the National Oceanic and Atmospheric Administration, opposing the proposed designation of marine monuments off the coast of California that prohibit commercial fishing.

The letter is in direct response to a recent proposal calling on President Obama to declare virtually all Pacific seamounts, ridges, and banks (SRB's) off the California coast as National Monuments using his executive authority under the Antiquities Act. If enacted by executive order, the new monuments would permanently close virtually all of California's offshore SRB's to commercial fishing.

"[This proposal] was drafted and advanced behind closed doors with no public peer-reviewed scientific analysis, no [National Environmental Policy Act] analysis, and virtually no public engagement," the letter to the White House states. "The initial justification for this proposed action is filled with sensational, inaccurate statements and omissions. The economic analysis for the proposed closures grossly understates the importance and value of the identified [SRB's] to fisheries and fishing communities."

"Fisheries provide healthy food for people, and our fisheries are a well-managed renewable resource," the letter continues, noting that California already has the most strictly managed fisheries in the world.

Among the areas proposed for monument status are Tanner and Cortes Banks in southern California, which are critically important for many fisheries including tuna, swordfish, rockfish, spiny lobster, sea urchin, white seabass, mackerel, bonito, and market squid.

The proposal also called for the closures of Gorda and Mendocino Ridges in northern California, which are important grounds for the albacore tuna fishery.

As the letter states, closure of these important areas to commercial fishing would cause disastrous economic impacts to fishermen, seafood processors and allied businesses, fishing communities and the West Coast fishing economy. Even more important than the value of the fisheries is the opportunity cost of losing these productive fishing grounds forever.

Unilateral action under the Antiquities Act would also contradict the fully public and transparent process that currently exists under the federal Magnuson-Stevens Act. Such a designation would also conflict with the President's own National Ocean Policy Plan, which promises "robust stakeholder engagement and public participation" in decision-making on ocean policy.

"We ask you stop the creation of these California offshore monuments under the Antiquities Act because monument status is irreversible, and the Antiquities Act process involves no science, no public involvement nor outreach to the parties who will be most affected by this unilateral action – no transparency," the letter concludes.

About NCFC

The National Coalition for Fishing Communities provides a national voice and a consistent, reliable presence for fisheries in the nation's capital and in national media. Comprised of fishing organizations, associations, and businesses from around the country, the NCFC helps ensure sound fisheries policies by integrating community needs with conservation values, leading with the best science, and connecting coalition members to issues and events of importance.



September 6, 2016

Charles A. Tracy
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

RE: Clarification and Response to PFMC letter dated September 1st, 2016

Dear Director Tracy and Members of the Council:

Please accept the following comments on behalf of the California Seamounts Coalition. We are a group of organizations—including Marine Conservation Institute, Pacific Environment, Surfrider Foundation, Wildcoast and others—working together to educate the public about the importance and value of seamounts in the deep waters off the California coast.

We are writing in response to your letter dated September 1st, 2016, in which you reference the proposal for new long-term protections in the federal waters off of California. We wish to clarify and respond to several issues raised in that letter.

Scientifically Significant Areas that Warrant Protection

Seamounts in the deep waters off California are highly productive areas that support fragile living habitats and diverse ecosystems. Rising from the depths, these undersea mountains modify the flow of water and nutrients around them, providing rich oases above their peaks – supporting whales, sharks, other fishes, and seabirds – and along their flanks, which are inhabited by largely unknown communities of corals, sponges and other species.

While relatively pristine because of their remote location, seamounts and the marine wildlife they support are vulnerable to human impacts like deep-sea mining, oil and gas drilling, fishing and climate change. Rapid changes are already occurring in our ocean, as our waters continue to get warmer, more acidic and hold less oxygen.

With far less than 1% of the federal waters off California permanently protected, we believe comprehensive, long-term protection of these special places is necessary in light of the many challenges facing our marine ecosystems. Protecting them now is an investment in the future.

Comprehensive and Long-term Protection

We congratulate the Pacific Fishery Management Council (the Council) for measures it has taken to acknowledge the significance of these sites by designating several of them as “Essential Fish Habitat” for bottom trawling. We also understand that these protections are limited both in scope and time because (1) they do not prevent the use of other gear that could damage bottom habitat, including traps or longlines; (2) they do not address other potential extractive activities such as mining or drilling for oil and gas; and (3) these protections can change at any time.

As noted in your September 1, 2016 letter, the Council has also created other temporary spatial protections, including the Cowcod Conservation Area and a time-area closures for leatherback sea turtles. We applaud your efforts to use the Magnuson-Stevens Act (MSA) to protect single species using spatial management tools. Unfortunately, with delicate habitats and food webs like those found at and above seamounts, we must do more than limit a single type of gear or protect a single species from bycatch.

We agree that the MSA is a critical tool for fisheries management and appreciate your willingness to exercise your authority under that legislation. But in the face of the many new threats facing our shared ocean, we need all the tools in the toolbox to ensure ocean resilience—including spatial protections that are both comprehensive and long-term in nature. Comprehensive, permanent marine protected areas are an essential ingredient to ensure highly functioning, intact ecosystems over the long-term. They need not conflict with good fishery management; in fact, we view both as essential and complementary.

While the Council has some authority over the corals and sponges on the seabed, as well as well as fisheries in the waters overlying these remote seamounts, it lacks the comprehensive authority to protect the seabed, *as well as the* waters overlying these spectacular habitats. It cannot regulate mining, drilling, or other non-fishing commercial activities, in addition to fishing. Additionally, it doesn’t typically create permanent protections.

Legislation

Permanent, comprehensive spatial ocean protections in the U.S. Exclusive Economic Zone can be created through three means: National Marine Sanctuaries Act, the Antiquities Act and federal legislation.

Congressmen Farr and Lieu have introduced the California Seamounts and Ridges National Marine Conservation Area Designation and Management Act ([H.R. 5797](#)). This landmark bill would safeguard fragile living habitats and food webs in the deep waters off the California coastline.

H.R. 5797 is a well-rounded proposal that takes into account the unique ecology and geography of each site, while also factoring in existing uses. When the concept of new ocean protections at these seamounts first came up several months ago, elected officials took pains to consult with many ocean users. They reported hearing strong and consistent concerns from the fishing community—mostly centering on the importance of engaging the Council, albacore fishing, Cortes and Tanner Banks, and sport fishing. While landing data show that fishing at most of these sites is extremely minimal, H.R. 5797 was crafted intentionally to be responsive to these concerns.

Specifically, under H.R. 5797:

- Protections shall not be implemented without thorough and direct consultation with tribes, the Council, fishermen and stakeholders. This shall include a robust public process to determine National Marine Conservation Area boundaries;
- The entire hook and line albacore fishery would be exempted from the National Marine Conservation Area;
- There would be no limits on any fishing (commercial or recreational) at Cortes and Tanner Banks or the eastern half of Mendocino Ridge. These areas would only be protected from oil, gas, mining, cable laying and energy siting; and
- All recreational fishing, including commercially licensed recreational charter boats, will continue to be permitted throughout the entire National Marine Conservation Area.

Each of these provisions is responsive to concerns expressed by fishing interests. Indeed, we value sustainable fisheries and wish to work collaboratively with a broad range of colleagues in the fishing community. We also believe that multiple approaches are needed to achieve ocean health.

H.R. 5797 introduces the concept of new ocean protections in the remote areas off of California. We are working with stakeholders now to gather feedback and engage in a robust discussion on these sites and their intrinsic, scientific and socioeconomic value.

Socioeconomic Considerations

Although the Council's September 1, 2016 letter states that the "proposed area closures are economically and socially important to West Coast fisheries, both commercial and recreational," landing data do not support this assertion. Rather, landing data show that fishing at the proposed sites is extremely minimal and suggest that socioeconomic impacts would be limited.

This is especially true given that sport and charter boat fishing would continue throughout the National Marine Conservation Area and that there would be no fishing restrictions at Cortes and Tanner Banks or the eastern half of Mendocino

Ridge. This crucial point seems relevant to underscore, since the September 1st letter does not acknowledge these exemptions and it specifically expresses concern over Tanner and Cortes Banks. To be clear, these banks are not included in the National Marine Conservation Area proposed in H.R. 5797, which was introduced on July 14, 2016.

The letter goes on to allude to the potential displacement of domestic fisheries, without recognition that hook and line albacore fishing would be wholly exempted from the National Marine Conservation Area contemplated in H.R. 5797. It should also be noted that the albacore fishery has not had any significant catch in offshore California waters for more than a decade. The fishery has shifted almost entirely to Oregon and Washington offshore fishing grounds. Finally, given that bottom trawling is already prohibited in each of the sites proposed for inclusion in the Conservation Area, it's unclear what additional socioeconomic impact there might be from simply codifying these protections in a more permanent way.

That said, in an effort to better understand the activities and uses occurring at the proposed sites, we welcome any and all relevant fishing specific data the Council is willing to share to support claims of socioeconomic hardship that would take actually take place if H.R. 5797 were implemented as written.

Pacific Fishery Management Council Engagement

As mentioned above, H.R. 5797 explicitly calls for consultation between the Secretaries of Commerce and the Interior and the Pacific Fishery Management Council.

This is similar to the National Marine Sanctuaries Act, which says the Secretary of Commerce shall consult with the appropriate Fishery Management Council and give it the opportunity to draft the fishery management portion of the regulations.

It is our belief that the drafters of H.R. 5797 foresee a process in which the Council plays a significant and substantial role in the creation of a new National Marine Conservation Area in federal waters off of California.

Process

The Council's September 1, 2016 letter calls for "informed decision-making and the consideration of "diverse viewpoints."

H.R. 5797 calls for a robust public process and says that protections shall not be implemented without thorough and direct consultation with tribes, the Council, fishermen and stakeholders. It is our sincere hope that the Council's concerns are allayed by this very explicit language on public process.

Conclusion

Thank you for your consideration of these comments. We look forward to working together collaboratively in the coming months and years to safeguard these special places and the wildlife they support.

Sincerely,

Samantha Murray
California Seamounts Coalition

Lance Morgan
Marine Conservation Institute

Nicole Portley
Pacific Environment

Pete Stauffer
Surfrider Foundation

Zach Plopper
Wildcoast

Cc: Christina Goldfuss, Managing Director, White House Council on Environmental Quality