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THE POTENTIAL IMPLICATIONS OF PENDING MARINE NATIONAL MONUMENT DESIGNATIONS

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, POWER AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

Tuesday, September 29, 2015

Serial No. 114–21

Printed for the use of the Committee on Natural Resources

Available via the World Wide Web: http://www.fdsys.gov
or
Committee address: http://naturalresources.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

96–866 PDF WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
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Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

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OVERSIGHT HEARING ON THE POTENTIAL IMPLICATIONS OF PENDING MARINE NATIONAL MONUMENT DESIGNATIONS

Tuesday, September 29, 2015
U.S. House of Representatives
Subcommittee on Water, Power and Oceans
Committee on Natural Resources
Washington, DC

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 1324, Longworth House Office Building, Hon. John Fleming, [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Young, Gosar, LaMalfa, Graves, MacArthur; Huffman, Costa, Sablan, Lowenthal, Torres, and Dingell.

Also Present: Representative Radewagen.

Dr. FLEMING. The Subcommittee on Water, Power and Oceans will come to order.

The Water, Power and Oceans Subcommittee meets today to hear testimony on an oversight hearing entitled, "The Potential Implications of Pending Marine National Monument Designations."

Before we begin, I ask for unanimous consent to allow our colleague and committee member, Congresswoman Amata Radewagen, to participate in our hearing today. I do not see her; but anyway, hearing no objections, so ordered.

We will begin with our opening statements.

STATEMENT OF THE HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Dr. FLEMING. Today the Subcommittee on Water, Power and Oceans will look at the lesser known side of the Antiquities Act, the designation of marine national monuments. Like the designation of land-based national monuments, marine monuments could have significant impacts, not just regionally, but nationwide as well.

Many of our colleagues here today represent noncoastal districts. However, we can all relate to the issue when a president abuses the Antiquities Act as a means to shut off multiple uses of lands and waters. This is a tool that President Obama has used more than any other president to date. Just because the Antiquities Act has been used by Republican presidents, does not justify such closures.

While there are not any marine national monuments currently being considered off of the coast of my home state of Louisiana, there are potential impacts that such a designation could have on our multiple industries and our world renowned restaurants.

While more than 30,000 Louisiana jobs are directly supported by the seafood industry, Massachusetts' and Alaska's seafood

industries support more than 160,000 jobs that will be directly impacted by potential designations that are now on the table.

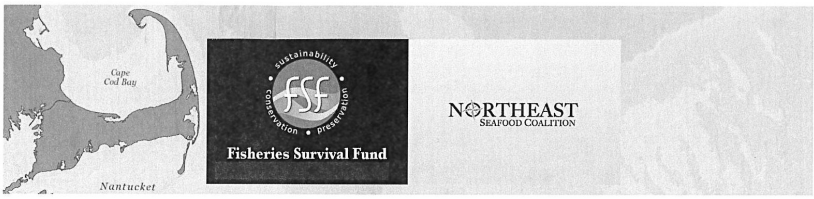
One of our witnesses here today directly employs 150 of these workers himself, all of whom would be affected by a marine national monument designation.

What is really most troubling here is that these areas already have a great deal of protections under the Magnuson-Stevens Act. These are longstanding protections that have the support of over 1,500 fishermen and community residents in New England, all of whom are opposed to a potential marine national monument off their coast.

I ask unanimous consent to enter their letter into the record.

Hearing no objection, so ordered.

[The letter from New England fishermen and community residents follows:]



September 23, 2015

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

Mr. President:

We, the undersigned, in conjunction with the Fisheries Survival Fund and the Northeast Seafood Coalition, object to any attempt to manage New England's offshore marine habitats through the use of the Antiquities Act and the designation of National Monuments. Doing so undermines the public and democratic processes that are now in place to manage these areas, shuts out important stakeholders, and prevents meaningful outside input. Considering that the current public process has led to the substantial habitat protections already in place throughout the region, such a designation is both unnecessary and damaging to the long-term management of these areas.

New England's marine habitats are currently managed through a consultative process that considers the experience and input of expert scientists, fishermen, environmentalists, and regulators. It is where the best available science and analytical approaches are vetted in an open and transparent venue. Large-scale closures, enacted by executive fiat and not based in science, are not only undemocratic but they can have substantial unintended adverse impacts on bycatch composition, region-wide habitat, and the economies of coastal communities.

Recent actions by the New England Fishery Management Council (NEFMC), specifically the recently passed Omnibus Habitat Amendment 2 (OHA2) reinforce habitat protections in New England waters into the foreseeable future.

In addition to protecting features such as the kelp forests on Cashes Ledge under OHA2, the regional management councils have gone to great lengths to further safeguard essential habitats such as corals. The NEFMC is considering the Deep-Sea Coral Amendment, which would preserve the coral habitats in the New England Canyons and Seamounts, areas that have also been frequently under discussion for National Monument designation. The Mid-Atlantic Fishery Management Council (MAFMC) also recently acted to protect over 38,000 square miles of deep-sea coral. These are clear demonstrations that current habitat management is remarkably sensitive to conservation and the need to protect unique habitats.

Replacing this collaborative, open management with top-down Presidential action undermines these successful efforts. It makes it less likely that local voices are heard in the deliberations, narrows the decision-making process from broadly democratic to single-handed, and in consequence disregards crucial stakeholder input and expertise. It ultimately results in a regulatory process that is not responsive to feedback and is not accountable to the people who are most affected by it.

As members of the fishing communities whose livelihoods depend on inclusive, responsive management we recognize that such a fundamental altering of the regulatory process is unacceptable. Any management of public resources needs to preserve public input and involvement, not disregard it. We oppose unilateral Executive Action to declare marine National Monuments in New England.

Sincerely,

[This letter contains 74 pages of signatures.
The complete list of names is available in the Committee's official files.]

cc: Hon. Penny Pritzker, Secretary of Commerce
Hon. Kathryn Sullivan, Ph.D., Under Secretary of Commerce for Oceans and Atmosphere
Eileen Sobeck, NOAA Assistant Administrator for Fisheries

Dr. FLEMING. Another area we will be looking at today, the Aleutian Islands in Alaska, was submitted through NOAA's National Marine Sanctuary Public Nomination Process for additional protections and was denied because the proposal did not demonstrate the support from a "breadth of community interests."

Now, those same special interests are trying to take a second bite at the apple by petitioning the President to designate an even larger area as a marine national monument.

While we will hear today that the impact of these potential designations would be devastating to the local communities and economies, there is much more at stake here. According to Federal statistics, the North Pacific and New England rank one and two in total landings revenue by region, well over half of the U.S. harvested seafood landings. The only thing monumental in all of this is the staggering impact it could have on our seafood markets.

This is an important issue, and we are privileged today to hear from on-the-ground experts. I look forward to hearing from them and from the Administration on its plans.

[The prepared statement of Dr. Fleming follows:]

PREPARED STATEMENT OF THE HON. JOHN FLEMING, CHAIRMAN, SUBCOMMITTEE ON WATER, POWER AND OCEANS

Today, the Subcommittee on Water, Power and Oceans will look at a lesser known side of the Antiquities Act: the designation of marine national monuments.

Like the designation of land-based national monuments, marine monuments could have significant impacts not just regionally but nationwide as well.

Many of my colleagues here today represent noncoastal districts, however we can all relate to the issue when a president abuses the Antiquities Act as a means to shut off multiple uses of lands and waters. This is a tool that President Obama has used more than any other American president to date. Just because the Antiquities Act has been used by Republican presidents does not justify such closures.

While there aren't any marine national monuments currently being considered off of the coast of my home state of Louisiana, there are potential impacts that such a designation could have on our multiple industries and our world renowned restaurants. While more than 30,000 Louisiana jobs are directly supported by the seafood industry, Massachusetts and Alaska's seafood industries support more than 160,000 jobs that will be directly impacted by potential designations that are now

on the table. One of our witnesses here today directly employs 150 of these workers himself—all of whom would be effected by a marine national monument designation.

What is really most troubling here is that these areas already have a great deal of protections under the Magnuson-Stevens Act. These are longstanding protections that have the support of over 1,500 fishermen and community residents in New England—all of whom are opposed to a potential marine national monument off their coast. I ask unanimous consent to enter their letter into the record.

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This is an important issue and we are privileged today to hear from on-the-ground experts. I look forward to hearing from them and from the Administration on its plans.

Dr. FLEMING. I now recognize the Ranking Member, Mr. Huffman, for his statement.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Mr. Chairman, and good morning.

In 1903, a Republican president, Teddy Roosevelt, made his first trip to the Grand Canyon in Arizona, which at the time was under significant threat of damage from the mining industry and other development interests. Roosevelt lacked legal authority to protect the area at the time; but in a speech during that visit, he publicly pleaded for its conservation saying, "I want to ask you to keep this great wonder of nature as it is now. I hope you will not have a building of any kind, not a summer cottage, a hotel or anything else, to mar the wonderful grandeur, the sublimity, the great loneliness and beauty of the canyon. Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it."

Three years later, a Republican Congress passed the Antiquities Act, which gave President Roosevelt the authority to dedicate national monuments, to preserve our country's natural and cultural heritage. In 1908, he used it by dedicating the Grand Canyon National Monument. It later became a national park, and it is protected in perpetuity for the benefit of all Americans.

A century after President Roosevelt signed the Antiquities Act into law, another Republican president, George W. Bush, dedicated the first marine national monument around the Northwest Hawaiian Islands. Subsequent marine monument and sanctuary designations and expansions by Presidents Bush and Obama have increased the amount of U.S. waters protected from development to nearly 3 percent, but that total still lags far behind the 10 percent of U.S. lands that have been set aside for conservation. That is a shame because America's coral reefs, kelp forests, and submarine

canyons have incredible value as fish factories, as banks of biodiversity.

Protecting these resources will actually lead to more productive fisheries and more opportunities for scientific observations and discoveries that could benefit all of us. I fear that the Majority is holding today's hearing in an attempt to pit conservation interests against the fishing industry.

I think most Americans reject that as a false choice. In fact, fishermen in my district overwhelmingly supported last year's expansion of the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries off the coast of my district. They understand what marine scientists also understand, and that is that protecting key habitats can improve fisheries in adjacent areas, leading to healthier coastal economies.

Just last month, I had the pleasure of catching the fish you see in that picture in one of our national marine sanctuaries. That was in the Gulf of the Farallones Sanctuary off the Coast of Marin County.

So, obviously, the notion that you cannot fish in marine sanctuaries certainly has not been my experience.

Republican presidents from Roosevelt to Bush, and many in between, recognize the importance of the Antiquities Act in creating a balance between the use of U.S. public lands and waters for resource extraction and protecting those areas for future generations.

Who knows what might have happened without the national monuments established under the Antiquities Act. Would Americans today enjoy their views of the Grand Canyon Copper Mine, the Muir Woods giant redwood clear-cut, or the Dinosaur National oil field?

Thankfully, instead of that we have the protection of national monuments in these areas, and it does not seem to have caused a shortage of land available for the extractive industries. It is completely appropriate for us to move toward a similar balance with respect to utilization of our ocean resources.

I would like to close, Mr. Chairman, by offering another quote from President Teddy Roosevelt, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value."

We are still trying to understand our oceans. They cover 70 percent of our planet's surface, but we have only explored 5 percent of their depths. Every day we make new discoveries that have the potential to benefit future generations, but the potential for those discoveries is limited when we allow unchecked resource exploitation without setting aside representative areas for conservation and further study.

Particularly in the face of climate change and ocean acidification, we must use whatever authorities are available to us to ensure that our ocean ecosystems remain healthy and productive.

I yield back.

Dr. FLEMING. The gentleman yields back.

The Chair now recognizes our Vice Chair, Dr. Gosar, for a statement.

STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Dr. GOSAR. Thank you, Mr. Chairman.

Today's hearing brings together those concerned about the sweeping powers allowed under the Antiquities Act of 1906. Well over a century old, the law is in desperate need of modernization.

The West, of course, is all too familiar with national monuments and not in a good way. In Arizona, a state with more national monuments than any other state in the Union, extremist environmental organizations, and some misguided members of our own state's congressional delegation, have been pushing the President to circumvent Congress and to make a new 1.7 million acre designation using the Antiquities Act in the Grand Canyon watershed.

The real intentions of these short-sighted, self-interest groups are clear. They want these designations to prevent energy development, timber harvesting, grazing, mining, and different types of recreation on massive swaths of land.

Earlier this year, the House passed an amendment that I helped to spearhead, which would prevent the President from circumventing Congress to carry out such a declaration on the Antiquities Act. When President Clinton single-handedly designated the Grand Staircase-Escalante National Monument in Utah—he announced this move from a mountaintop in Arizona, I might add—it sent shockwaves of presidential abuse. Now, our domestic ocean waters have joined the party.

The prior administration mistakenly created our first national marine monuments, yet this President seems to be on steroids when it comes to expanding marine monuments and creating land monuments. He has single-handedly walled off over 260 million acres of land and 430,000 square miles of ocean in his wake; and as we will hear today, there could be more to come with the stroke of a pen under the cover of darkness.

Arizona is not exactly known as a seafood harvest mecca, but we have plenty of consumers who depend on the ocean's bounty. Our food supply is already being compromised by natural drought and land and water regulations, and now we have an environmental activist using a deeply flawed law in an attempt to close commercial fishing off the coasts of Alaska and New England. It is no doubt they are banking on this Administration for help.

The Administration, in my opinion, showed its true colors when it recently held a town meeting in Providence, Rhode Island to hear public input on a proposed, nearby marine monument. One witness before us today called the meeting a "charade" that provided little details to the public.

The meeting was not broadcast on radio, television, or on the Web, unintentionally symbolic of an era in which the Antiquities Act was created. The agency before us today, NOAA, needs to explain this pitiful process despite its President once saying that it would be the "most transparent ever."

The Antiquities Act, at the very least, should be brought into the 21st century and needs to stop being a relic hijacked by those bent upon restricting access and jobs. Taxpayers deserve better; landowners deserve better; fishermen deserve better; and dock workers, among many, deserve better.

This hearing is a step toward giving those a voice that this Administration chooses to ignore.

With that, Mr. Chairman, I yield back.

[The prepared statement of Dr. Gosar follows:]

PREPARED STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

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The Antiquities Act, at the very least, should be brought into the 21st century and needs to stop being a relic hijacked by those bent upon restricting access and jobs. Taxpayers deserve better. Landowners deserve better. Fishermen deserve better. And dock workers, among the many, deserve better.

This hearing is a step toward giving those a voice that this Administration chooses to ignore.

Dr. FLEMING. The gentleman yields back.

We have also been joined today by Mr. Sablan, former Ranking Member of the subcommittee that I was Chairman of before this Congress, and I would like to ask unanimous consent that he sit on the dais with us.

Hearing no objection, so ordered.

OK. We have our witnesses today, but before we introduce our witnesses, I just want to let you know that we do have a time system here. You have 5 minutes for your testimony; you will be under a green light for 4 minutes, then a yellow light for 1 minute. Once the red light comes on, we ask that you quickly conclude your opening statement.

Your prepared statement, no matter how long it is, will be entered into the record completely. So, no need to rush through it, just use up your 5 minutes as you will and we will put your entire statement into the record.

The Chair now calls upon Mr. Young for a couple of introductions this morning.

Mr. YOUNG. Thank you, Mr. Chairman. I do appreciate this hearing and I think it is crucially important. I have two witnesses on this panel.

We have Chris Oliver, Executive Director of the North Pacific Fishery Management Council, who has done an outstanding job. More than that, we have Rod Moore—and just to give you a little background, Mr. Moore worked for me for numerous years, helped write the Magnuson-Stevens Act for fisheries and for the sustainable yield, and it benefited communities, not for monuments, and he is retiring. I hate to hear that. He will probably get a fishing boat and go fishing on one of these monuments, but, Rod, thank you for all of your service to the United States and to the state of Alaska and, of course, the state of Oregon.

Thank you, Mr. Chairman.

Dr. FLEMING. OK. We have further introductions. First of all, we have Mr. Jon Williams, owner of the Atlantic Red Crab Company in New Bedford, Massachusetts.

Your names are very tiny. I hope I am getting this in proper order. I cannot read them from here.

Dr. Holly Bamford, the Assistant Secretary for Conservation and Management for the National Ocean Service in Silver Spring, Maryland.

Dr. Andrew Rosenberg, Director of the Center for Science and Democracy with the Union of Concerned Scientists in Cambridge, Massachusetts.

Mr. Rod Moore, Executive Director of the West Coast Seafood Processors Association in Portland, Oregon.

And, of course, previously introduced, Mr. Chris Oliver, Executive Director of the North Pacific Fishery Management Council, based out of Anchorage, Alaska.

The Chair now recognizes Mr. Williams for his testimony.

STATEMENT OF JON WILLIAMS, OWNER, ATLANTIC RED CRAB COMPANY, NEW BEDFORD, MASSACHUSETTS

Mr. WILLIAMS. Thank you, Mr. Chairman. It is a pleasure to be here, and an honor.

Dr. FLEMING. It is important to bring the tip of the microphone close to you, otherwise we cannot pick up your voice.

Mr. WILLIAMS. OK. My name is Jon Williams. I am the founder and owner of the Atlantic Red Crab Company. It is a vertically integrated crab company. We own our own vessels and catch our own crab; and we process, package, and distribute it around the country. We are the largest crabmeat company in North America. We employ about 160 people, a little over 150 this week, I guess.

This, obviously, is a very troubling time for me and my company in kind of going through this process. I just want to say that it is the process that is troubling, because as I built my company, I had numerous, numerous opportunities to testify and get involved with the fishery management councils, both the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council, and sat on many committees and in many, many fairly rowdy conversations between fishermen and environmentalists in the same room.

But at the end of the day, the system, as flawed as some people think it is, works and it has worked for many years. It works because there are two different opinions in the room, and both people get the opportunity to speak their own opinion, and generally if you say there are two sides to every story, the truth falls someplace in between.

We have for many years, and even as recently as 3 months ago, participated in an over 2-year process when they wrote a whiting amendment or squid amendment in the Mid-Atlantic that resulted in protecting 38,000 square miles of ocean floor for exactly what we are asking for today, and it was 38,000 miles of coral protection.

My fishing company and I have been exempted for 2 years from those four large areas. I do not know what my future will be down there after 2 years—that is still up in the air, but we were part of the process, and the fishermen were part of the process. We had a 2-day workshop with the environmentalists, regulators, and fishermen all in the room. We had charts up on the wall. There were dozens and dozens and dozens of charts of where we are moving lines, and fishermen would be able to participate.

Now, just 3 months later, the first I heard about this was the week before the town hall meeting, when somebody called me up and said, "What do you know about this monument thing going on?" And I said, "I don't know anything about it," and nobody else did. I actually ended up getting a call from one of the environmental groups that is spearheading this asking me if I was going to attend and, of course, I was.

The problem that is tough is the perception that something has to be done here and this is an emergency, that these areas are going to be faced with irreparable harm; and that if we do not do something right now, that these places are going to go away.

That is what people are being told in the fact sheets that are going out to millions of people. Fishermen are going to fish deeper. Oil companies are coming in, and everything else.

I mean, we are already as deep as we want to fish. There is nothing deeper than where we are, and we have the technology to go a lot deeper, but it is an abyss. There is really nothing for us to go after or we would be there.

Eighty percent of the area that is being proposed is deeper than anybody fishes. It is really the fringe of the area. But we have yet to see a chart, so we do not really know what the area looks like. We have yet to see one line drawn on a nautical chart on where this is going to be and where the radius is going to be.

So now, we have had petitions go back and forth. I think it is very unfortunate that 160 people signed a petition because of being given some false information.

That is really the big thing. There are places that are described as being pristine, and they are pristine and they need to be protected. There are four fisheries that have been in those areas for 40 years. If they go out there in these deepwater submersibles and they do not find any damage, I do not think that this is an emergency.

I think this should go through the normal process with the New England Council where we have mechanisms in place for everybody to get their opinions out there. That is the American way.

Thank you.

[The prepared statement of Mr. Williams follows:]

PREPARED STATEMENT OF JON WILLIAMS, PRESIDENT, ATLANTIC RED CRAB COMPANY

Mr. Chairman, members of the committee, my name is Jon Williams and I'm the owner of a small business that fishes for Atlantic red crab off the New England coast. I thank you for the opportunity to speak about the threat to my livelihood that is posed by the pending marine national monument designation along the edge of the Continental Shelf off New England.

Twenty years ago I started my crab fishing business from nothing; today I employ approximately 150 people in New Bedford, MA and feel confident that at least 5 million people each year enjoy the crab I produce, despite the fact that the red crab fishery is a very small fishery.

More importantly, however, the Atlantic red crab fishery is proud to be an industry leader in sustainable fishing. In 2009, our fishery was the first on the Atlantic coast of the United States to be certified as sustainable by the Marine Stewardship Council. This certification process required a thorough review of the impact of the fishery on the red crab resource and its habitat along the edge of the Continental Shelf off the coast of New England and the Mid-Atlantic states. Although this process cost hundreds of thousands of dollars—a significant amount for a small business to pay out of pocket—it was important to us that we both understood how our fishery impacted the environment and demonstrated that our practices were indeed sustainable.

The findings of the MSC certification process were indisputable: the Atlantic red crab fishery had minimal environmental impact on both the species stock and the surrounding environment, and set a clear example of how a commercial fishery could operate in a truly sustainable manner. Red crab is also listed as an "Ocean-Friendly" seafood by the New England Aquarium's Seafood Guide program.

Now, 6 years later, NOAA Regional Administrator John Bullard an audience in Providence, RI that the Obama administration wants to designate three Continental Shelf canyons and four seamounts as a "National Monument," a move that would likely exclude the red crab fishery from its traditional fishing grounds. Despite the fact that a NOAA request for public comments on the proposal states a desire "to ensure that we protect these unique places for future generations while recognizing the importance of sustainable ocean-based economies," there has been no meaningful opportunity to achieve that balance because the public has not been given any information on the details of the proposal. Mr. Bullard indicated to the press that no further details were likely before the President made his decision.

The hastily arranged and poorly advertised "Town Meeting" hosted by NOAA in Providence on September 15 was a charade. With no details available, the fishermen whose livelihoods are at stake could not comment intelligently on the proposal, other than to express their fear that it would harm their businesses. On the other side, the people who bought the environmentalists' propaganda would have been happy to support anything that they believed would protect the oceans, because they didn't know and didn't care about the details, or about who would be hurt unnecessarily.

The most troublesome thing about the use of the Antiquities Act to create marine national monuments is the complete lack of meaningful public input. The current proposal entirely circumvents the public processes outlined in the National Environmental Policy Act (NEPA), the Administrative Procedures Act, and numerous Executive Orders that were intended to protect the public against arbitrary rulemaking. In the fishing industry, we are also governed by the Magnuson-Stevens Fishery Conservation and Management Act. These laws insure that stakeholders have input into difficult and complex public policy questions. In the case of imminent threats, the Secretary of Commerce can always declare emergency regulations, which are followed by a more deliberative solution to whatever problem caused the emergency. In 1999, I asked for emergency action to protect the red crab fishery from overfishing. The New England Fishery Management Council then replaced the emergency rules with a carefully constructed fishery management plan based on extensive public input. We protected the resource without trampling on the laws that guard the public process.

There is no need to abandon NEPA and the APA to protect marine areas. The established public process was used by the regional fishery management councils to protect more than 61,000 square miles of ocean bottom off the South Atlantic and Mid-Atlantic coasts. The New England Fishery Management Council is developing its own regulations to protect deep-sea corals even as we speak. In June 2015, when the Mid-Atlantic Fishery Management Council used the established process to

protect 38,000 square miles of ocean bottom off the Mid-Atlantic coast, NOAA Regional Administrator Bullard praised the collaborative process and its result, citing it as a model for future ocean policy development. Mr. Bullard's words will ring hollow if the President closes our fishing grounds with no meaningful public process.

While the Antiquities Act of 1906 was undoubtedly conceived with the best intentions, a conglomerate of wealthy environmental activists has realized its potential to circumvent the normal public processes and lock up large areas of the ocean—a convenient loophole that ignores any public deliberation.

As an industry that has worked tirelessly to serve as a model for sustainable fishing, we are not threatened by a public discussion of ocean conservation. Instead, it is the willingness of these environmental groups to ignore all public processes that we firmly stand against.

There are no imminent threats to the Continental Shelf Canyons or the Atlantic seamounts from the Atlantic red crab industry or the other fisheries that operate in the proposed area. After spending millions of taxpayer dollars exploring and photographing these canyons, there has yet to be one shred of evidence of any damage caused by red crab fishing gear—even the supporters of the proposal have called these areas "pristine" after 40 years of red crab fishing.

By displacing the Atlantic red crab fishery, the proposed national monument would harm the future of sustainable fishing—if a leader in sustainability can be irreparably harmed with no public process, then other fisheries will see few incentives to decrease their own environmental impact.

Finally, the current proposal is also concerning because it has generated support based on faulty information. With billions of dollars in assets, the environmental organizations have demonstrated both an ability and a willingness to buy the support of concerned citizens through the use of misleading Web sites and "fact sheets." For example, the video used to extoll the beauty of the proposed area wasn't even shot in the proposed area—instead it was shot in Block Canyon 100 miles to the west. Careful editing hid this deception from the public and from policymakers.

The promotional materials further misled citizens in a discussion of right whales, claiming that designating the canyons would protect the species. Yet right whales are not known to travel in these canyons; they travel in much shallower waters—exactly where all of the displaced fishing gear will end up if forced out of the canyons. With this in mind, it becomes apparent that the proposed monument areas will undoubtedly be detrimental to the fragile right whale population.

Our Founding Fathers recognized the danger to the Republic of "factions," and relied upon representative government to overcome that threat. As well-meaning as the Antiquities Act might have been when it was first adopted in 1906, it is clearly being misused and abused by "factions" who know that their overzealous attacks on environmentally benign fisheries would never pass muster in a more rigorous process.

There is no need to exclude the historic commercial fishermen from the proposed marine national monument off New England. To the contrary, commercial fisheries provide the most tangible benefit to the public from these areas and commercial fishermen are part of the national heritage that needs to be preserved. The Magnuson-Stevens Fishery Conservation and Management Act can assure that fisheries that operate in this area are sustainable. In fact, I would suggest that any marine national monument designation include language to assure that fisheries within the monument shall not be peremptorily excluded, but would continue to be managed under the terms of the Magnuson-Stevens Act.

In closing, I sincerely hope that before adopting these monuments as proposed, the Obama administration will meet with a few of the key stakeholders in these areas so they can get a true prospective on the impact this will have on our industry—and more importantly, the people that depend on it.

Dr. FLEMING. Thank you, Mr. Williams.

The Chair now recognizes Dr. Bamford for 5 minutes.

STATEMENT OF HOLLY BAMFORD, PH.D., ASSISTANT SECRETARY FOR CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S (NOAA) NATIONAL OCEAN SERVICE, SILVER SPRING, MARYLAND

Dr. BAMFORD. Good morning, Chairman Fleming, Ranking Member Huffman, members of the subcommittee.

My name is Holly Bamford, and I am the Assistant Administrator for NOAA's National Ocean Service, currently performing the duties of the Assistant Secretary for Conservation and Management.

Thank you for inviting NOAA to testify along with representatives from the commercial fishing industry, fishing management councils, and the scientific community on marine monument designations.

NOAA works under a number of authorities to conserve and manage coastal marine resources, which support recreational, economic, cultural, and other opportunities for the American public. These include the National Marine Sanctuaries Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, and Marine Mammal Protection Act.

More recently, through Presidential Proclamations, NOAA has been given co-management responsibility with the Department of the Interior for four marine national monuments in the Pacific established by the prior administration in the Antiquities Act, and one expansion under the current president. Each of these statutes are tools to protect our Nation's trust resources.

Today, I will focus my testimony on the process of establishing monuments and some conservation implications of place-based tools.

Authorities to establish national monuments were provided to the President by Congress through the Antiquities Act of 1906. Sixteen presidents of both parties have used the Act's authority more than 100 times to protect national treasures, such as the Grand Canyon, the C&O Canal, and the Statue of Liberty.

Typically, ideas for areas to be established as monuments are proposed to the Administration by local and state elected officials, nongovernment organizations, scientists, or citizen groups.

The authority to designate a monument lies with the President. NOAA's role includes providing information on the resources and activities in the considered marine areas and to assist with public engagement. While not required under the Antiquities Act, the four existing marine national monuments, which NOAA co-manages, each had some level of public engagement prior to their establishment and/or expansion.

For example, in 2014, when President Obama indicated that his Administration would consider extending protections around the Pacific Remote Islands Marine National Monument, the Departments of Commerce and the Interior held public meetings in the region and accepted written public comments from interested parties.

Congress has created a number of different place-based authorities for NOAA to protect and manage areas of significant natural, cultural, and maritime heritage. Many of those tools are found

within the National Marine Sanctuaries Act and the Magnuson-Stevens Act.

For more than 40 years, NOAA's Office of National Marine Sanctuaries has worked to protect special places in America's ocean and Great Lakes waters, from the site of a single Civil War shipwreck to remote coral reefs and tiny atolls.

Marine sanctuaries have also shown to provide significant direct economic benefits for local and regional businesses. For example, it has been estimated that the National Marine Sanctuary System generates about $4 billion annually in local, coastal, and ocean-dependent economies from activities like fishing, research, recreation, and tourism.

The success of many businesses, millions of dollars in sales, and thousands of jobs depend directly on thriving resources that these areas protect and maintain.

Under the Magnuson-Stevens Act, eight fisheries management councils make conservation decisions every day. Fisheries management plans include conservation requirements, such as fishing seasons, quotas, and defining essential fish habitat and enclosed areas. Fisheries management councils are an important management partner with NOAA, and we are very mindful of their difficult responsibilities and efforts to help manage our fisheries and end overfishing.

A good example of this is the North Pacific Fisheries Management Council's Precautionary Management Plan for the Arctic. The Plan prohibits commercial harvesting of fish until sufficient information is available to support a sustainable management of commercial fishing there.

National marine monuments can provide a broad ecological and national heritage protection of the entire system, which is an effective manner of maintaining intact ecosystem services. For example, Papahānaumokuākea Marine National Monument provides critical protection of about 7,000 marine species, one-quarter of which are found only in the Hawaiian Archipelago. The monument also possesses rich, submerged heritage resources such as shipwrecks, sunken naval aircraft from World War II, and other archeological sites that are windows into the past.

Additionally, the monument is the first site ever designated as a cultural seascape and is the only natural and cultural world heritage site in the United States.

History has shown us that over time, conservation decisions guided by the Sanctuaries Act, Magnuson-Stevens Act, Antiquities Act, and other place-based authorities have shown positive social, economic, and cultural benefits.

In closing, marine national monuments are one of a suite of place-based authorities available to the President to protect our most cherished ocean resources. NOAA is committed to building a stronger, more resilient future for American communities and economies. I thank you for the opportunity to discuss this today.

[The prepared statement of Dr. Bamford follows:]

PREPARED STATEMENT OF DR. HOLLY BAMFORD, ASSISTANT ADMINISTRATOR FOR THE NATIONAL OCEAN SERVICE, PERFORMING THE DUTIES OF THE ASSISTANT SECRETARY FOR CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

INTRODUCTION

Good morning, Mr. Chairman and members of the committee. Thank you for the opportunity to testify before you today. My name is Holly Bamford and I am the Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service performing the duties of the Assistant Secretary for Conservation and Management. NOAA is dedicated to the stewardship of living marine resources through science-based conservation and management, and the promotion of healthy ecosystems.

As a steward, NOAA works under a number of authorities to conserve, protect, and manage living marine resources to ensure functioning and healthy marine ecosystems, which support a wide range of recreational, economic, cultural and other opportunities for the American public. These include the National Marine Sanctuaries Act (NMSA), Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, and Marine Mammal Protection Act. Based on these authorities, NOAA also has been given certain responsibilities for the stewardship and management of marine national monuments established by the President under the Antiquities Act.

Today I will focus my testimony on the authorities, processes, management, and benefits of both national marine sanctuaries and marine national monuments.

NATIONAL MARINE SANCTUARIES

National marine sanctuaries are special places in marine and Great Lakes waters that protect and manage nationally significant natural, historical, and cultural resources. NOAA manages 13 national marine sanctuaries created to (1) improve the conservation, understanding, management, and sustainable use of marine resources; (2) enhance public awareness, understanding, and appreciation of the marine environment; and (3) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources in these areas.

For more than 40 years, NOAA's Office of National Marine Sanctuaries has worked to protect special places in America's ocean and Great Lakes waters, from the site of a single Civil War shipwreck to a vast expanse of ocean surrounding remote coral reefs and tiny atolls. From Washington State to the Florida Keys, and from Lake Huron to American Samoa, NOAA seeks to preserve scenic beauty, biodiversity, historical connections, and economic productivity of these precious underwater treasures. A healthy ocean is the basis for thriving recreation, tourism and commercial activities that drive coastal economies.

The NMSA 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. Currently, 10 sanctuaries have been designated by NOAA and 3 have been designated by Congress (Stellwagen Bank, Hawaiian Islands Humpback Whale, and Florida Keys National Marine Sanctuaries).

The sanctuary designation process is described in the NMSA and has four principal steps:

1. Scoping: NOAA announces its intent to designate a new national marine sanctuary and asks the public for input on potential boundaries, resources that could be protected, issues NOAA should consider, and any information they believe should be included in the resource analysis.
2. Sanctuary Proposal: NOAA prepares draft designation documents including a draft management plan and a draft environmental impact statement under the National Environmental Policy Act that analyzes a range of alternatives, proposed regulations, and proposed boundaries. NOAA may also form an advisory council to help inform the proposal and focus stakeholder participation.
3. Public Review: The public, agency partners, tribes, and other stakeholders provide input on the draft documents. NOAA considers all input and determines appropriate changes.
4. Sanctuary Designation: NOAA makes a final decision and prepares final documents.

In 2014, NOAA established a new sanctuary nomination process where a collection of interested individuals or groups can identify and recommend special areas of the marine or Great Lakes environment for possible designation as a national marine sanctuary. NOAA evaluates the strength of a nomination based on the information provided for the national significance criteria and management considerations, as listed and described in the Sanctuary Nomination Process June 2014 final rule (79 FR 33851). The nomination should demonstrate broad support from a variety of stakeholders and interested parties and identify the specific goal or intent for designation. Once NOAA accepts the nomination of the sanctuary to the inventory, NOAA can begin the process to designate the sanctuary at any time. In general from identification of a potential sanctuary to its designation takes 2 to 4 years.

While the primary objective of the NMSA is ecosystem- and science-based resource protection, NOAA also facilitates compatible use of all public and private users in sanctuaries in a manner that is adaptive over time. To accomplish this, NOAA prepares terms of designation for every sanctuary that describe the activities that NOAA may regulate, regulations that describe what actions are prohibited or restricted, and procedures that allow permits to be issued for certain activities. Sanctuary regulations are enforced by NOAA and its state and Federal partners. The NMSA also provides NOAA the authority to recover monetary damages for injury to sanctuary resources that are used for their restoration and recovery.

The NMSA requires NOAA to manage national marine sanctuaries through an extensive public process, local community engagement, stakeholder involvement, and citizen participation. NOAA establishes local offices to manage each national marine sanctuary with staff who live in the community, and management plans are developed, implemented, reviewed, and revised for each sanctuary site, taking into account the specific needs and circumstances of that area. These management plans focus on resource protection, science, research, education, and outreach. The NMSA also calls for NOAA to establish community-based National Marine Sanctuary Advisory Councils, comprised of a diversity of interests (e.g., recreational fishers, divers, teachers, boaters, scientists, and elected officials) at each sanctuary to provide advice and recommendations to the superintendent of the site on issues including management, science, service, and stewardship.

MARINE NATIONAL MONUMENTS

The authority to establish a national monument was provided to the President by Congress. The Antiquities Act of 1906 (16 U.S.C. 431–433) was the first U.S. law to provide general protection for objects of historic or scientific interest on Federal lands. It authorizes the President to proclaim national monuments on Federal lands that contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." Sixteen presidents of both parties have used the Act's authority more than 100 times to protect unique natural and historic resources and places. The Antiquities Act has been used to designate as national monuments such national treasures as the Grand Canyon, the C&O Canal, and the Statue of Liberty.

The Antiquities Act has been used mostly to protect terrestrial resources, but has been used to protect special areas of the marine environment as well. President George W. Bush established four marine national monuments for which NOAA has management responsibilities in partnership with other agencies. These are Papahānaumokuākea Marine National Monument (PMNM) in the Northwest Hawaiian Islands; Marianas Trench Marine National Monument in the Mariana Archipelago; Rose Atoll Marine National Monument in American Samoa; and the Pacific Remote Island Marine National Monument in the south-central Pacific Ocean, recently expanded by President Obama.

The President establishes both terrestrial and marine national monuments by executing a Presidential Proclamation as authorized under the Antiquities Act. The process for establishing a monument is in the President's discretion. Through the America's Great Outdoors Initiative, which involved public listening sessions in every state, this Administration has recommended taking a transparent and open approach to new national monument designations tailored to engaging local, state, and national interests.

Often ideas for areas to be designated are proposed to the Administration by local and state elected officials, nongovernmental organizations, or other citizen groups. The four existing marine national monuments each had a level of public engagement prior to their establishment or expansion. For example, the PMNM was established after public and stakeholder engagement helped develop a proposal for a national marine sanctuary. Another example: in 2014 President Obama indicated that his administration would consider how it might expand protections near the

Pacific Remote Islands Marine National Monument in the south-central Pacific Ocean. Following that announcement, the Departments of Commerce and the Interior held a public meeting in the region, convened numerous smaller meetings with affected stakeholders, and accepted written public comments from all interested parties.

The President's Proclamation generally spells out how a marine national monument will be managed, including which agency or agencies will have management responsibility. To date, the four marine national monuments have been managed in partnership among the Department of the Interior (DOI) and NOAA, with other Federal and state partners that have existing authority or jurisdiction. For example, NOAA, DOI, and the state of Hawaii co-manage the PMNM. This monument has a Monument Management Board with representatives from the Federal and state agencies involved.

As with marine sanctuaries, the public also has had opportunity to engage as part of the process to development management plans for the long-term stewardship of the designated monument. All marine national monument proclamations have required the development of a monument management plan. The structure and content of management plans for each marine national monument will vary because each monument is unique with regard to underlying protections, agencies involved, and physical and environmental conditions. Draft plans and associated National Environmental Policy Act environmental documents are provided for public input and developed by NOAA and DOI in coordination with other relevant Federal and state agencies. For example, the proclamation establishing the Marianas Trench Marine National Monument required the establishment of an Advisory Committee including representatives from the Commonwealth of the Northern Mariana Islands (CNMI). DOI, NOAA, and the CNMI are now drafting a management plan that will soon be made available for public comment.

Management plans for these marine national monuments are intended to incorporate multiple objectives, and address activities such as fishing, takes of birds, and oil and gas or other development activity. Care has been taken to ensure the monuments do not compromise critical activities and exercises of the Armed Forces, and reflect due regard for the rights, freedoms, and lawful uses of the sea enjoyed by all nations under customary international law. NOAA and DOI use specific authorities to protect and manage marine monument resources and address threats to their protection. As a co-manager of living marine resources in the marine national monuments, NOAA has used its authority under several statutes—including the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act—to manage resources and objects to be protected.

Presidents have used the Antiquities Act to protect landscapes, ocean ecosystems, and cultural resources. The four marine national monuments in the Pacific protect the abundant and diverse coral, fish, and seabird populations; facilitate exploration and scientific research; and promote public education regarding the value of these national places. By establishing these areas as marine national monuments, the President has ensured that these marine environments of significant scientific interest receive a high level of environmental protection for our and future generations.

ECONOMIC BENEFITS OF NATIONAL MARINE SANCTUARIES AND MONUMENTS

In addition to preserving places of great ecological, historical, and scientific value, marine sanctuaries and national monuments can provide significant direct economic benefits for local and regional businesses. For example, across all the national marine sanctuaries, NOAA economists estimate about $4 billion annually is generated in local coastal and ocean dependent economies from diverse activities like fishing, research and recreation-tourist activities. 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 resources that these areas protect and maintain.

Sanctuaries and monuments also create education and outreach opportunities that link communities through innovative programs and help spread awareness of the ocean's connection to all of us. Further, they enable outreach to the broader community about the coastal environment and what they can do to be to good stewards of the marine environment.

CONCLUSION

In closing, NOAA is committed to building a stronger, more resilient future for America's communities, ecosystems and economy. A healthy ocean is the basis for thriving recreation, tourism and commercial activities that drive coastal economies,

and for the many ecosystem services that protect our planet. National marine sanctuaries and marine national monuments are based on different authorities, processes, and management—each has its place within the suite of authorities provided to protect our most cherished historical, scientific, and environmental resources.

Thank you again for the opportunity to discuss national marine sanctuaries and marine national monuments.

QUESTIONS SUBMITTED FOR THE RECORD TO DR. HOLLY BAMFORD, NOAA'S NATIONAL OCEAN SERVICE

Questions Submitted by the Hon. Gregorio Kilili Camacho Sablan

Question 1. Can you please provide a brief description of NOAA's plans to support the Marianas Trench Monument in the upcoming fiscal year?

Answer. NOAA Fisheries' Fiscal Year 2016 President's Request includes approximately $3.0 million for activities in the Pacific Marine National Monuments, similar to Fiscal Year 2015 enacted levels. Activities planned for the Marianas Trench Marine National Monument (MNM) in 2016 include completion of the Monument Management Plan (currently in review by the CNMI government) and holding public meetings in Guam and CNMI.

On the research side, through a NOAA-wide effort, the NOAA Ship *Okeanos Explorer* will continue its exploration of the Pacific Monuments, traveling to conduct mapping and ROV dives in the Mariana Archipelago for 3 months. Planning efforts for the trip to include discussions with local researchers and government officials are being initiated. Through telepresence technology, scientists around the world are able to actively participate in and provide input to expedition. Educators and the public can also view the real time video feeds from the ship and ROVs using a standard internet connection. Ship tours are planned during port calls in Guam. NOAA is considering the feasibility of additional tours in Saipan. The *Okeanos Explorer* work follows the successful "Why do we Explore the Marianas Trench" educator workshop held in CNMI and Guam last year.

Question 2. Today's witnesses have stressed the importance of fishery management in the role of conservation. What other considerations are critical to sound ocean conservation?

Answer. Our Nation relies on healthy and resilient ocean and coastal ecosystems. The ocean, our coasts, and the Great Lakes deeply impact the lives of all Americans, whether living and working in the country's heartland or along its shores. America's rich and productive coastal regions and waters support tens of millions of jobs and contribute trillions of dollars to the national economy each year. They also host a growing number of important activities including recreation, science, commerce, transportation, energy development, and national security as well as providing a wealth of natural resources and ecological benefits.

Ocean conservation efforts can account for these many ocean activities holistically through principles of ecosystem-based management and adaptive management. Ecosystem-based management integrates ecological, social, economic, commerce, health, and security goals, and recognizes both that humans are key components of ecosystems as well as the importance of healthy ecosystems to human welfare. Adaptive management calls for routine reassessment of management actions to allow for better informed and improved future decisions in a coordinated and collaborative approach.

Questions Submitted by the Hon. Raúl M. Grijalva

Question 1. During your testimony, you indicated that there are monuments and sanctuaries that allow fishing. Is that accurate? Please provide a list of the areas and percentages of each marine national monument and national marine sanctuary that is open to commercial fishing and to recreational fishing, along with any specific fishing restrictions in those areas.

Answer. The answer varies by monument, as the relevant Presidential Proclamations dictates the specific activities allowed or restricted for the purposes of protecting resources in the monument. The Antiquities Act requires that a designation to protect objects assures that the objects are protected. Based on that information, some types of restrictions have led to a ban on mining, drilling for oil or gas, and closures to commercial fishing.

Monuments	Area of Monument (sq mi)	Percent Open to Commercial Fishing	Percent Open to Recreational/Traditional Fishing
Papahānaumokuākea, HI	139,797	0%	0%
Pacific Remote Island Areas	370,000 sq nmi	0%	100% Refuge areas 0–12 nm in the Monument are off-limits to fishing at this time, with the exception of Palmyra (recreational fishing) and Wake (USAF subsistence/recreational fishing)
Marianas Trench—Island Unit	96,714	0%	100%
Rose Atoll—No-take area (within 12 nmi of Atoll)	13,451	0%	0% (within 12 nm of Atoll) 100% (from 12–50 nm)

Likewise, fishing regulations vary by sanctuary, with the majority of the national marine sanctuaries allowing various forms of fishing. The table below specifies the fishing restrictions under the National Marine Sanctuaries Act regulations that occur within the 13 national marine sanctuaries:

Site Name	Area of Sanctuary (sq mi)	Percent Open to Fishing*	Fishing Restrictions
Channel Islands National Marine Sanctuary	1,470	78.37%	11 marine reserves where all take and harvest is prohibited, and 2 marine conservation areas that allow limited take of lobster and pelagic fish.
Cordell Bank National Marine Sanctuary	1,286	100%	None
Florida Keys National Marine Sanctuary	3,840	94.30%	Ecological Reserves, Sanctuary Preservation Areas and Special-use Research Only Areas where all fishing is prohibited. An additional 145 sq mi (Key Largo and Looe Key management areas) allows all fishing except damaging coral, spearfishing, bottom gear and taking tropical fish.
Flower Garden Banks National Marine Sanctuary	56	100%	Hook-and-line is the only method of fishing allowed.
Gray's Reef National Marine Sanctuary	22	62.40%	Research Only Area where all fishing is prohibited. Hook-and-line is the only method of fishing allowed in the rest of the sanctuary.
Greater Farallones National Marine Sanctuary	3,295	100%	None
Hawaiian Islands Humpback Whale National Marine Sanctuary	1,615	100%	None
Monitor National Marine Sanctuary	1	100%	None
Monterey Bay National Marine Sanctuary	6,100	100%	Fishing below a depth of 3,000 ft in the Davidson Seamount Management Zone is prohibited.

Site Name	Area of Sanctuary (sq mi)	Percent Open to Fishing*	Fishing Restrictions
National Marine Sanctuary of American Samoa	13,581	99.99%	All fishing is prohibited in Fagatele Bay. In Aunu'u Unit Zone A, fishermen must notify the sanctuary prior to fishing. In Aunu'u Unit B, fishing is allowed except for bottom-dwelling species. In the rest of the sanctuary, fishing is allowed, except for use of poisons, explosives, spearguns, fixed nets and bottom trawling.
Olympic Coast National Marine Sanctuary	3,193	100%	None
Stellwagen Bank National Marine Sanctuary	842	100%	None
Thunder Bay National Marine Sanctuary	4,300	100%	None

*Any form of fishing is allowed. Total percent is calculated by taking the total area of the sanctuary and subtracting the no-take area.

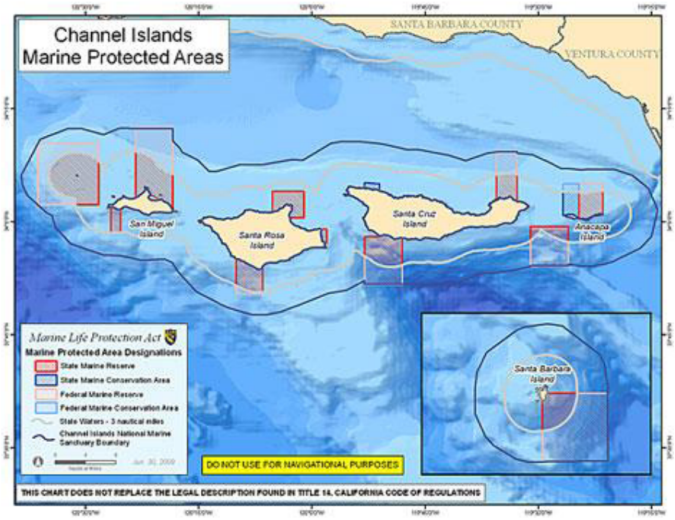
Question 2. During the hearing, it was insinuated that there was no fishing, commercial or recreational, allowed in the Channel Islands National Marine Sanctuary. Is that accurate? Please provide a summary of the actual fishing regulations in the Channel Islands National Marine Sanctuary.

Answer. Fishing is allowed within the Channel Islands national Marine Sanctuary (CINMS); in fact, it is has some of the richest commercial[1] and recreational[2] fishing on the west coast.

Fishing in state waters (0 to 3 nautical miles) of the sanctuary is managed by the California Department of Fish and Wildlife, while NOAA Fisheries manages Federal water fisheries (3 to 200 nautical miles). The commercial and recreational harvesting of fish, kelp and invertebrates is permitted in nearly 80 percent of the sanctuary waters (0 to 6 nautical miles) around the northern Channel Islands—see figure below. Just over 20 percent of the sanctuary is designated as marine reserves or conservation areas to protect the diversity and abundance of marine life, the habitats they depend on, and the integrity of marine ecosystems. The state of California established this network of marine reserves and conservation areas in 2003 and NOAA extended it into Federal waters in 2006 and 2007, respectively. The network includes 11 marine reserves where all fishing and harvest is prohibited, and 2 marine conservation areas that allow limited take of lobster and pelagic fish.

[1] Commercial fishing in the sanctuary generates nearly $27.3 million in harvest revenue each year. This in turn creates $45.3 million in output, $30.9 in value added, $27.8 million in total income and 659 full- and part-time jobs.

[2] Recreational fishing within the sanctuary generated roughly 250 jobs annually from 2010 to 2012. Each year from 2010 through 2012, the CINMS local economies saw, on average, an additional $11.0 million in income as a result of recreational fishing in the sanctuary.



Source: Office of National Marine Sanctuaries Socioeconomic Research and Monitoring Program

Question 3. In your testimony, you note that the establishment and expansion of all of the marine national monuments designated to date included a public engagement process. Will you please describe those processes? Please provide a list of public engagement initiatives (including location, dates and estimated number of people reached) that were conducted before the designation of each marine national monument.

Answer. Although no public process is required under the Antiquities Act, designation of each of the 2009 monuments was preceded by a series of public meetings. In American Samoa, the Governor supported the marine national monument designation for Rose Atoll and 2–3 public meetings were held by the Council on Environmental Quality (CEQ). For the Marianas Trench Marine National Monument, CEQ and the PEW Research Center coordinated many public meetings in the region (PEW reports it held over 100 meetings in open forums). No public meetings were specifically held on the 2009 designation of the Pacific Remote Islands Marine National Monument, although it was discussed in other forums.

On August 11, 2014, NOAA held a Town Hall in Honolulu, Hawaii to discuss the expansion of the Pacific Remote Islands Marine National Monument. Approximately 300 people from various fishing groups and NGOs attended and over 50 people commented at the public meeting. In addition, NOAA received over 170,000 email comments. Discussion of the monument proposals also occurred during meetings of the Western Pacific Fisheries Management Council, which are open to the public.

NOAA held a Town Hall in Providence, Rhode Island on September 15, 2015 to discuss possible conservation protections in New England. Over 200 people from various fishing groups and NGOs attended and approximately 60 people commented at the public meeting. To date, NOAA has received over 150,000 email comments and the comment period remains open.

Question 4. We touched upon the impacts of climate change during the hearing, but can you expand on the importance of habitat protection to the resilience of ocean and coastal resources in the face of climate change? How does permanently protecting diverse marine ecosystems help build resilience to climate change?

Answer. Climate change adds an additional level of stress to marine ecosystems, which already may be affected by local and regional impacts such as artificial shoreline modification, habitat loss, land-based pollution, and historical overfishing. Climate change impacts from sea level rise, ocean warming, changes in oceanic circulation, ecosystem/biome shifts, and ocean acidification will compound problems that already degrade ocean and coastal ecosystems.

Marine protected areas (MPAs) provide a tool to restore, preserve, and protect the ecological integrity and resilience of ocean and coastal ecosystems so they can withstand the additional stress of climate change. Healthy ecosystems will be more resilient to ocean warming, sea level rise, extreme weather events, and other climate change impacts. To help maintain the health of the marine environment, the U.S. Global Change Research Program endorses increasing the resilience of MPAs by managing other human-caused stressors that degrade ecosystems, and by protecting key functional groups of marine species.

The long-term, place-based nature of MPAs helps to mitigate the impacts of climate change by providing a focal area for management and science to reduce local and regional stressors, monitor current conditions and changes over time, engage the public, and implement adaptive, flexible management of ecosystems and resources. Collectively, these efforts serve to enhance the effectiveness of MPAs and thereby enable these areas to continue supporting the communities that rely on them.

MPAs that connect or are located near each other ensure diverse ocean ecosystems and living resources are protected. This provides broader ecological and economic resilience when localized climate change-related impacts occur.

Faced with significant uncertainty about where, when and which species, habitats, and ecosystems are most vulnerable and likely to change, MPAs can be designed to reduce the risk of catastrophic ecological and economic loss due to the more extreme impacts of climate change by providing protection for as much diversity as possible, and for replication of specific species, habitats, or ecosystems. MPAs can be designed and managed to help reduce the ecological and socioeconomic risk of losing key species and habitats.

By reducing nonclimate stressors on the environment, providing protection to those coastal and marine resources most at risk, and reducing risk in the face of uncertainty, MPAs can foster the resilience and health of marine ecosystems in order to improve their ability to resist and recover from the impacts of climate change in the ocean and directly contribute to public health, safety, and economic welfare of coastal communities.

In conclusion, habitat protection through MPAs and networks of MPAs are valuable tools that, with proper management, can help buffer impacts, create climate change refugia, and sustain ecologically, culturally, historically, socially, and economically valuable coastal and marine resources throughout the Nation's waters and beyond.

Question 5. Section 2 of NEPA states that: "The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality." Is NEPA supposed to be used as a tool to slow down conservation work? Please describe how NEPA relates to monument designations.

Answer. NEPA is not intended to slow down conservation work. NEPA is intended to ensure that Federal agencies act as responsible stewards of America's vast natural resources while adequately reviewing all options. NEPA seeks to balance environmental concerns with the social, economic, and other requirements of present and future generations of Americans. State and local governments, concerned private and public organizations, and individuals encouraged Federal agencies to work in partnership; NEPA endeavors to reconcile the inherent tension between the rapidly changing world and its finite natural resources.

The Presidential Proclamation that implements a monument is not subject to NEPA or The Administrative Procedure Act. However, the Monument Management Plan is analyzed under NEPA prior to being finalized. Any other Federal actions proposed to occur within the monument would also be assessed.

Dr. FLEMING. Thank you, Dr. Bamford.

I now recognize Dr. Rosenberg for 5 minutes.

STATEMENT OF ANDREW A. ROSENBERG, PH.D., DIRECTOR, CENTER FOR SCIENCE AND DEMOCRACY, UNION OF CONCERNED SCIENTISTS, TWO BATTLE SQUARE, CAMBRIDGE, MASSACHUSETTS

Dr. ROSENBERG. Thank you, Mr. Chairman, Ranking Member, and members of the committee.

I appreciate the opportunity to testify today to discuss the importance of marine national monuments.

I am Andrew Rosenberg, Director of the Center for Science and Democracy at the Union of Concerned Scientists. However, I am testifying here today in my personal capacity as a marine scientist. For the past 30 years, I have worked in marine ecology, fishery science, and ocean policy in academia and government. I am a former Northeast Regional Administrator for the National Marine Fisheries Service, Deputy Director of the National Marine Fisheries Service, and former Dean of Life Sciences and Agriculture at the University of New Hampshire.

The idea of marine national monuments makes sense to me. Some features, such as seamounts, underwater canyons, and ledges, are unique oceanographic features supporting ecosystems of high biological diversity. As such, they are important public trust resources for the Nation as part of our natural heritage.

In addition, these ecosystems are important for supporting marine life in surrounding areas. They contribute so-called ecosystem services. These are functions of the ecosystem that directly support human well-being from fisheries, as we have already heard, but also natural products, genetic resources due to the biodiversity, and resilience to the ongoing effects of climate change.

The New England seamounts, ledges, and canyons are a critical part of the large marine ecosystem of the northeast United States. These are the only seamounts in U.S. Atlantic waters. Several outstanding U.S. ocean sciences research organizations and universities have ongoing studies of the New England seamounts, Cashes Ledge, and the deep canyons because of their important role in the ecology of the entire region. In fact, one is even named Oceanographer's Canyon.

Life forms that live in the deep sea are most often slow growing and slow to reproduce, with very long life spans. This means that they are highly vulnerable to both environmental changes and human exploitation. Simply put, they can be very rapidly overexploited and very slow to recover once damaged.

There are numerous examples around the globe of newly discovered resources, or often new markets for products from known deep sea resources, attracting a boom of escalating fishing and a rapid bust due to overexploitation or a boom of other kinds of exploitive activities, followed by very slow or no real recovery. In other words, if human impacts on deep sea resources are to be managed, we likely only have one chance to get it right for these kinds of deep sea, slow-growing resources.

Creating a marine national monument containing seamounts, ledges, and canyons in offshore areas is a sensible step for conservation. It would create a marine protected area, which is a well-developed and well-studied management tool for ocean resources, that restricts damaging activities within a monument area.

Area protections have been shown to be effective if they truly limit or minimize exploitation and are large enough to provide real protection for biological resources. The Northwest Hawaiian Islands National Monument, that we have already heard about, and other large enclosed areas in the Western Pacific, Indian Ocean, and North Atlantic are all cases in point.

The large closed areas in New England have led to a recovery of some of the important fishery resources, including scallops and some groundfish, as well as habitat that will pay dividends in the future.

Many published peer-reviewed studies, including my own, have shown that MPAs can be an effective management tool, particularly when coupled with other measures that control exploitation.

One of the most important attributes of MPAs is that they provide a hedge against rapid increases in fishing pressure or the impacts of other activities, including the ongoing effects of climate change. Protecting an intact, significant portion of an ecosystem helps ensure that other impacts will not have as potentially devastating effects as they might have with no protected area in place.

For example, there is good scientific evidence that parts of an ecosystem that are largely intact are far more resilient to the effects of changing climate than those that are already heavily exploited. As a matter of the ecology, the marine resources of the United States, the seamounts, ledges, and canyons are unique and they play an important role in the productivity of our oceans.

As a matter of policy, MPAs are well-developed management tools that can be applied to good effect, reasonably and simply enforced. MPAs can provide real benefits to the Nation, and it is important to recognize in this instance putting a protected area in place before extensive exploitation is underway is far easier, more efficient, and less disruptive than waiting to try to conserve resources once fishing or other activities have already ramped up very substantially.

Thank you, Mr. Chairman. I appreciate the opportunity to share my views, and I would be happy to answer questions.

[The prepared statement of Dr. Rosenberg follows:]

PREPARED STATEMENT OF ANDREW A. ROSENBERG, PH.D., DIRECTOR OF THE CENTER FOR SCIENCE AND DEMOCRACY, UNION OF CONCERNED SCIENTISTS

Chairman Fleming, Ranking Member Huffman, and members of the committee, thank you for the opportunity to testify today to discuss the importance of marine national monuments. I am Dr. Andrew Rosenberg, Director of the Center for Science and Democracy at the Union of Concerned Scientists. However, I am testifying here today in my personal capacity as a marine scientist. For the past 30 years, I worked in marine ecology, fisheries, and ocean policy in academia and government. I am formerly the Deputy Director of NOAA's National Marine Fisheries Service and also the former Dean of Life Sciences and Agriculture at the University of New Hampshire.

The idea of marine national monuments makes sense to me. Some marine features such as seamounts and underwater canyons and ledges are unique oceanographic features supporting ecosystems of high biological diversity. As such, they are important public trust resources for the Nation as part of our natural heritage. In addition, these ecosystems are important for supporting the marine life in surrounding areas. They contribute so-called ecosystem services. These are functions of the ecosystem that directly support human well-being from fisheries, to natural products and genetic resources, to resilience to the ongoing effects of climate change.

The New England seamounts, ledges and canyons are a critical part of the large marine ecosystem of the northeastern United States. This seamount chain contains

the only seamounts in U.S. Atlantic waters, highlighting their uniqueness. Several outstanding U.S. ocean sciences research organizations and universities have ongoing studies of the New England seamounts, Cashes Ledge, and the deep canyons because of their important role in the ecology of the entire region.

Life forms that live in the deep sea are most often slow growing and slow to reproduce, while often have very long life spans. This means that they are also highly vulnerable to both environmental changes and human exploitation. Simply put, they can be very rapidly overexploited and very slow to recover once damaged. There are numerous examples around the globe of newly discovered resources, or more often new markets for products from deep sea resources, attracting a boom of escalating fishing and a rapid bust due to overexploitation, followed by very slow or no real recovery. In other words, if human impacts on deep sea resources are to be managed, we may only have one chance to get it right.

Creating a marine national monument containing seamounts, ledges and canyons in offshore areas is a sensible step for conservation of these areas. It would create a Marine Protected Area, or MPA, which is a well-developed and studied management tool for ocean resources that restrict damaging activities within the monument area. Area protections have been shown to be effective if they truly limit or minimize exploitation and are large enough to provide real protection for biological resources. The Northwest Hawaiian Islands National Monument created by President Bush is a case in point. Other large closed areas in the western Pacific, Indian Ocean and North Atlantic are also in place. The large closed areas in New England have led to the recovery, of some important fisheries including scallops and some groundfish. Many published, peer reviewed studies, including my own, have shown that MPAs can be an effective management tool, particularly when coupled with other measures that control exploitation.

One of the most important attributes of MPAs is that they provide a "hedge" against rapid increases in fishing pressure or the impacts of other activities including the ongoing effects of a changing climate. Protecting an intact, significant portion of an ecosystem helps ensure that other impacts won't have as potentially devastating effects as they might have if no protected area existed. For example, there is good scientific evidence that parts of an ecosystem that are largely intact, are far more resilient to the effects of a changing climate than those that are already heavily exploited.

As a matter of the ecology of the marine resources of the United States, these sea mounts, ledges and canyons are unique and play an important role in the productivity of our oceans. As a matter of policy, MPAs are well developed management tools that can be applied to good effect, reasonably and simply enforced. MPAs can provide real benefits to the Nation. It is important to recognize in this instance, putting a protected area in place before extensive exploitation is underway is far easier, more efficient and less disruptive than waiting to try to conserve resources once fishing or other actions are already ramping up.

Mr. Chairman, I thank you for the opportunity to share my views and I would be happy to answer any questions.

QUESTIONS SUBMITTED FOR THE RECORD TO DR. ANDREW A. ROSENBERG, UNION OF CONCERNED SCIENTISTS

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

Questions Submitted by the Hon. Gregorio Kilili Camacho Sablan

Question 1. Since the Antiquities Act was passed, Democratic presidents have dedicated 98 national monuments and Republican presidents have designated 82. That's a fairly even split.

a. Does the designation of national monuments seem to you like it should be a partisan issue?

b. I know that the ecology of the marine environment is very complicated, but is there general consensus in the scientific community as to the utility of having Marine Protected Areas, both for conservation and for increasing the sustainable production of resources?

Questions Submitted by the Hon. Raúl M. Grijalva

Question 1. I know that the ecology of the marine environment is very complicated, but is there general consensus in the scientific community as to the utility of having Marine Protected Areas, both for conservation and for increasing the sustainable production of resources?

Question 2. Are marine national monuments, and MPAs in general, important to protecting the biodiversity both of the region and of the oceans as a whole?

Dr. FLEMING. Thank you, Dr. Rosenberg.

I now recognize Mr. Moore for his testimony.

STATEMENT OF ROD MOORE, EXECUTIVE DIRECTOR, WEST COAST SEAFOOD PROCESSORS ASSOCIATION, PORTLAND, OREGON

Mr. MOORE. Thank you, Mr. Chairman, Mr. Ranking Member, members of the subcommittee. I appreciate the opportunity to appear before you today.

For the record, my name is Rod Moore. I am the Executive Director of the West Coast Seafood Processors Association. Our Association represents commercial fishermen and shore-based, American-owned seafood processors and associated seafood businesses located in Washington, Oregon, and California. Our members also have operations located in Alaska, Arizona, Georgia, Hawaii, Nevada, Texas, and Utah.

Our main objective is to assure the regular supply of sustainable seafood so we can provide healthy products to the consumer.

Let me make one thing clear from the beginning: a well designed marine sanctuary is not a bad thing. Just as on land, there are special places in the ocean that deserve protection. Nobody wants to see trawlers trawling up pieces of the "USS Monitor" or a deep sea sport fisherman pulling up coral from Flower Garden Banks.

However, there is a big difference between a marine sanctuary and a national marine monument. There is a process and there are criteria for establishing a sanctuary. To begin with, the process is locally driven. Under quote to the NOAA Web page, every nomination starts at the community level.

While NOAA's concept of a community might not be the same as ours, there at least has to be a local nexus.

NOAA then reviews the nomination against several criteria, including existing management regulations and against community support. Only if the proposed area passes muster, or at least the red face test, will it be placed on NOAA's list of nominated areas for consideration to be designated as a national marine sanctuary, which is an entirely separate process.

Unfortunately, this process is not good enough for some people. We have seen public calls for the President to use his powers under the Antiquities Act to establish marine monuments off New England and Alaska. In the latter case, a nomination for a sanctuary was denied by NOAA. Undaunted, the Public Employees for Environmental Responsibility set up an online petition for which, as of last week, they had nearly 114,000 supporters.

Of course, that includes signatories from 28 foreign countries. In fact, there were more foreign signatories than there were from the

state of Alaska, including a lone signature from the Lao Democratic People's Republic.

In the former case, proponents did not even bother with the sanctuary nomination. They went directly to the monument petition route. They did this in spite of the fact that the New England Fishery Management Council was working on a fisheries habitat plan that would protect some of the same places that were covered in the petition.

So why this rush to action when a perfectly good, workable, and science-based sanctuary nomination process is readily available? The obvious answer to our industry is that proponents wish to shut down most commercial fishing and control whatever commercial and sport fishing that is left.

And this gets to the heart of the matter. Under the Antiquities Act, the President can withdraw whatever Federal lands he wants and have that withdrawal managed using any criteria he chooses. You don't like trawling? Poof, it is gone.

The Antiquities Act provides no basis for learned discourse, no scientific, economic, or social analysis; it is whatever the President says it is.

The use of the Antiquities Act to create marine national monuments is a true top-down, dictatorial approach, which is frequently championed by big bucks environmental groups and which the public, including the fishing community that is directly affected, has no voice.

So what are the alternatives? The first, obviously, is by submitting a nomination through the sanctuary process.

The second alternative, the one which I prefer, is to establish sensitive areas under the Magnuson-Stevens Act. And how well does this work? Well, in the West Coast it works pretty well. In 2005, the Pacific Fishery Management Council completed its review of EFH and HAPC areas; and in 2014, began its formal review of those areas.

During this process, leaders in the fishing industry and the environmental community decided they had more to gain by working together than fighting with each other, so they established the Collaborative EFH Working Group. The Collaborative is working on a comprehensive plan of habitat protection and access to fisheries which, if adopted, will increase the permanent closed areas significantly, while recognizing that there are areas that are now closed but should be opened.

Although one environmental group has bowed out of the process, and some fishermen are reluctant to trust those that remain, the majority of us have hope for the future.

I learned last night a similar situation has occurred in the Mid-Atlantic Council which has won praise in the environmental community.

Finally, a word about legislation pending before this committee and the House. The House has already passed H.R. 1335, which among other things makes clear that the FCMA is the controlling legal statute in fisheries management. This will resolve such strangled legal interpretations like the one provided to the Pacific Management Council by NOAA's legal counsel: that the Council

has jurisdiction over fishing and the ocean bottom, but does not have jurisdiction over the water column.

Mr. Chairman, there is no doubt in my mind there are certain key areas in the ocean that need protection. The question is how best to do it. I think you would find that most rational people agree that protecting an area should be conducted only after scientific analysis and a true public process. The use of the Antiquities Act should not be allowed.

Thank you.

[The prepared statement of Mr. Moore follows:]

PREPARED STATEMENT OF ROD MOORE, EXECUTIVE DIRECTOR, WEST COAST SEAFOOD PROCESSORS ASSOCIATION

Mr. Chairman, Ranking Member, and members of the subcommittee, I appreciate the opportunity to appear before you today to discuss the potential implications of pending marine national monument designations and the role of the National Marine Sanctuary System. For the record, my name is Rod Moore and I serve as Executive Director of the West Coast Seafood Processors Association (WCSPA). Our Association represents commercial fishermen and shore-based, American-owned seafood processors and associated seafood businesses in Washington, Oregon, and California. Our members also have operations located in Alaska, Arizona, Georgia, Hawaii, Nevada, Texas, and Utah. Our main objective is to assure the regular supply of sustainable seafood so that we can provide healthy products to the consumer.

Let me make one thing clear from the beginning: a well-designed marine sanctuary is not a bad thing. Just like on land, there are special places in the ocean with historic, cultural, or natural values that should be protected. Nobody wants to see trawlers operating on the site of the wreck of the *U.S.S. MONITOR*; nobody wants to see deep sea sport fishermen hauling up chunks of coral in the Flower Garden Banks. However, there is a big difference between a national marine sanctuary and a marine national monument.

The National Marine Sanctuary System was established in 1972 and presently encompasses 12 properly created marine sanctuaries and 2 marine monuments, one of which is identified and managed as a sanctuary. Reading through the history of the Sanctuary System (http://sanctuaries.noaa.gov/about/history/welcome.html), one can see that the initial sanctuaries were chosen to celebrate and protect key historic and environmental values. As time went on, other agendas came into play. For example, let's look at the four sanctuaries—Cordell Bank, Greater Farallones, Monterey Bay, and Channel Islands—established off the coast of California. Visiting the Web sites for each of them, you discover that all four speak grandly—and vaguely—about protecting biological diversity, the importance of upwelling to biological productivity, and ecosystem values. In fact, they were originally designated as a way to prevent offshore oil and gas exploration. To quote a local fisherman on the history of the designation of the Monterey Bay NMS: "*The main public interest in creating a sanctuary was to add another layer of regulation to keep oil development out of the region*."[1]

But still, there is a process and there are criteria for establishing a sanctuary. To begin with, the process is locally driven ("every nomination starts at the community level"[2]). While NOAA's concept of a "community" may not be the same as ours, at least there has to be a local nexus. NOAA then reviews the nomination against several criteria—including existing management and regulations—and against community support/opposition. Only if the proposed area passes muster—or at least the red face test—will it be placed on NOAA's list of nominated areas for consideration to be designated as a national marine sanctuary, which is an entirely separate process. As of the beginning of September, five formal nominations have been submitted; three have been denied; one has been re-submitted; and two have been accepted. That is a reasonable track record.

Unfortunately, that isn't good enough for some people. Recently, we have seen public calls for the President to use his powers under the Antiquities Act to establish marine monuments off New England and Alaska. In the latter case, a nomination for a sanctuary was denied by NOAA, citing three of the nominating criteria

[1] Tom Roff in http://alliancefisheries.org/uploads/BaitandSwitch0215.pdf.
[2] http://www.nominate.noaa.gov/.

that it didn't meet.[3] Undaunted, the Public Employees for Environmental Responsibility set up an on-line petition for which—as of last week—they had nearly 114,000 supporters. Of course, that included signatories from 28 foreign countries; in fact there were more foreign signatories than there were from the state of Alaska (including a lone signature from the Lao Democratic People's Republic). In the former case, proponents didn't even bother with a sanctuary nomination; they went directly to the monument petition route. They did this in spite of the fact that the New England Fishery Management Council was working on a fisheries habitat plan that would protect some of the same places that are covered in the petition.

So why this rush to action when a perfectly good, workable and (mostly) science-based sanctuary nomination process is readily available? The obvious answer to our industry is that the proponents wish to shut down most commercial fishing and control whatever commercial and sport fishing will be left.

And this gets to the heart of the matter. Under the Antiquities Act, the President can withdraw whatever Federal lands he wants and have that withdrawal managed using any criteria he chooses. Don't like trawling? Poof, it's gone. The Antiquities Act provides no basis for learned discourse, no scientific, economic, or social analysis; it is whatever the President says it is. The use of the Antiquities Act to create marine national monuments is a true top-down, dictatorial approach which is frequently championed by big-bucks environmental groups and in which the public—including the fishing community that is directly affected—has no voice.

As to the value of the fisheries, it's difficult to say. Not having seen the direct proposals, nor being familiar with the particular fisheries in either case, I would hesitate to put a value on the loss to the Nation's—and the region's—economy if either of these areas was established by presidential fiat. But once again, that gets to my point: there is no analysis done, no deliberations, no meaningful public comments—the President simply signs his name to a piece of paper and 554,000 square nautical miles encompassing the Aleutian Islands, a large chunk of the Bering Sea, and southwest Alaska as far north as the Kuskokwim delta is off limits to whatever the President or his staff decides.

So what are the alternatives if we want to protect habitat in a studied, sensible way? The first obviously is by submitting a nomination through the National Marine Sanctuary Process. The National Marine Sanctuaries Act provides a number of checks and balances to give the common man a fighting chance to shape the extent of sanctuary protection. I would submit it doesn't always work; for example, the Greater Farallones and Cordell Bank Sanctuaries off the coast of California were recently expanded by 2.5 times each through a simple regulatory process. However, to be fair the sanctuaries listened to the comments of the regulated communities—sport and commercial fishermen, ports, aircraft owners, etc.—in crafting with their final regulations.

The second alternative, and the one I prefer, is to establish sensitive areas through the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) process. The MSFCMA provides for the identification of essential fish habitat (EFH) and the creation of habitat areas of particular concern (HAPC). More importantly, the MSFCMA provides for a *public* process to evaluate and decide on what areas are going to be protected.

How well does this work? Using the West Coast as an example, I think you will find that it works extremely well. In 2005, the Pacific Fishery Management Council (PFMC) completed work on its initial round of EFH and HAPC areas. These areas ranged from spots where there was no fishing allowed to spots where only non-bottom tending gear was allowed. These EFH/HAPC areas were in addition to the five national marine sanctuaries located off the West Coast, the Rockfish Conservation Area (RCA) which stretches from Mexico to Canada and is designed to allow depth-based protection for certain overfished species, and restrictions on the use of gear (e.g., no large footrope trawl gear shallower than the RCA). Combine these restrictions with the plethora of state-regulated nonfishing areas and you will find that the area left to fish in is quite limited.

In 2014, the Council began its formal review of EFH pursuant to section 303(b)(2)(C) of the MSFCMA. During this process, leaders from the fishing industry and the environmental community decided they had more to gain by working together than fighting with each other so they established the Collaborative EFH Working Group. The Collaborative is working on a comprehensive plan of habitat protection and access to fisheries which if adopted will increase the permanent closed areas significantly while recognizing that there are areas which are now closed but could be opened. Although one environmental group has bowed out of the

[3] http://www.nominate.noaa.gov/nominations/aleutian_letter_012315.pdf.

process and some fishermen are reluctant to trust those that remain, the majority of us have hope for the future.

Finally, a word about legislation pending before this committee. The committee—and the House—have already passed H.R. 1335 which among other things makes clear that the MSFCMA is the controlling statute in fisheries management. This will resolve such strangled legal interpretations like the one provided to the PFMC by NOAA's legal counsel: that the Council has jurisdiction over fishing and the ocean bottom but doesn't have jurisdiction over the water column. By using the MSFCMA process to develop regulations instead of the NMSA and the Antiquities Act, we will ensure that at least when it comes to fishing there will be thoughtful and thorough analysis and the opportunity for public comment.

The committee also has pending before it H.R. 330 and H.R. 332, both introduced by Mr. Young of Alaska. H.R. 330 is more general in that it prohibits the establishment of a marine national monument anywhere in the exclusive economic zone before certain steps are taken, including getting approval from the governors of affected states. H.R. 332 is more specific in prohibiting the establishment of a marine national monument in the EEZ off Alaska. Both are good bills but we would prefer the passage of H.R. 330 because of its more general applicability.

Mr. Chairman, there is no doubt in my mind that there are certain key areas in the ocean that need protection. The question is how best to do it. I think you would find that most rational people agree that protecting an area should be conducted only after scientific analysis and a true public process. The use of the Antiquities Act should not be allowed. I will be happy to answer any questions. Thank you.

Dr. FLEMING. OK. Thank you, Mr. Moore.

Finally, Mr. Oliver, you are recognized for 5 minutes.

STATEMENT OF CHRIS OLIVER, EXECUTIVE DIRECTOR, NORTH PACIFIC FISHERY MANAGEMENT COUNCIL, ANCHORAGE, ALASKA

Mr. OLIVER. Thank you, Mr. Chairman and members of the subcommittee. I appreciate the opportunity to comment today.

The North Pacific Council, one of eight regional fishery management councils established by the Magnuson-Stevens Act, manages the fisheries off of Alaska. A few statistics I would recite that many of you have heard before: the fisheries off Alaska provide over half the Nation's annual seafood production, are the largest employer in the state of Alaska, are second only to oil in revenues, and have sustained between 3 and 5 billion pounds annually for over 30 years.

A statistic you may not have heard: these fisheries occur within the 1.3 million square mile area managed by the Council of which about two-thirds, or 66 percent, is currently closed to all or some fishing activities. Many of these areas qualify as marine protected areas.

Our ecosystem-based management approach is not focused on fisheries extraction alone, but includes explicit consideration of numerous related components of the ecosystem, including, importantly, the use of geographic/area closures to fishing activities.

Closure areas in the North Pacific have been implemented for a variety of reasons, including essential fish habitat designation and a number of other reasons.

I have attached maps to my written testimony which provide a visual representation of the scope and magnitude of some of these closed areas. I have listed a few of the most significant, including the U.S. Arctic EEZ, where nearly 150,000 square miles is closed to all commercial fishing as a precautionary measure.

Bottom trawl closures, developed to protect essential fish habitat, cover over 400,000 square nautical miles in the Northern Bering Sea and throughout the Aleutian Islands management area to protect pristine habitat and to 'freeze the footprint' of existing bottom trawling.

What all of these closed areas have in common is that they were all implemented based on careful consideration of scientific information, detailed analysis of biological, economic, and social impacts, and with extensive input from all affected or interested stakeholders, as well as the state of Alaska.

The Council process, operating through the authorities of the Magnuson-Stevens Act and subject to approval by the Secretary of Commerce, has demonstrated that it is by far the best equipped to manage fishing activities within the U.S. EEZ, including identification and designation of areas appropriate for protection.

This process includes outreach to, and input from, fishing industry participants, local coastal residents, and environmental organizations.

I would like to specifically highlight the Aleutian Island habitat conservation area closures, which were established as part of the Council's essential fish habitat process mandated under the Magnuson-Stevens Act. This map illustrates the careful balancing achieved by this process and the necessary complexity resulting from consideration of numerous management objectives. This particular map shows the open and closed areas for only a single target species, Pacific cod.

The result is that only about 6 percent, the areas that you can see in beige, only about 6 percent of the entire area remains open to bottom trawling. However, it is that 6 percent which was identified through the Council process as the most critical to the continued viability of economically and socially valuable commercial fishing activities in this area.

Unilateral closure of this area would be unnecessarily devastating to the fishing industry, to numerous remote, coastal communities who are heavily dependent upon fishing activities in this region, and to the United States as a whole.

This balancing act is not only possible through the Council process, it is precisely what the Council process was set up to do. Other councils around the region have implemented similar closures. I have listed some of those: off of New England; off of the Mid-Atlantic, where it was noted they recently closed an area more than 38,000 square miles, nearly the size of Virginia; and off the Pacific Coast by the Pacific Council, where they have already designated over 130,000 miles of EFH conservation area.

A flip side story exists in the Western Pacific, Mr. Chairman. A stark contrast to these examples of deliberative, science-based closure designations can be found in the Western Pacific Region, where U.S. fishermen governed by the Magnuson-Stevens Act and managed by the Western Pacific Council have lost about 30 percent, or 665,000 square miles, of fishing waters to monument and sanctuary designations, with little or no evidence of benefits.

In summary, area closures to fishing or other activities are, indeed, an important natural resource management tool, and they have been applied extensively in the North Pacific and in other

regions of the United States. Successful use of this resource management tool requires a careful balancing of multiple considerations, which is not possible under unilateral actions, such as monument designations.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Oliver follows:]

PREPARED STATEMENT OF MR. CHRIS OLIVER, EXECUTIVE DIRECTOR, NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

INTRODUCTION

The North Pacific Council, one of eight regional fishery management councils established by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), manages fisheries in the U.S. EEZ off Alaska. Widely recognized as one of the most successfully managed fisheries in the world, the fisheries off Alaska provide over half of the Nation's annual seafood production, are the largest employer in the state of Alaska, are second only to oil in revenues, and have been sustained between 3 and 5 billion pounds annually for over 30 years. These fisheries occur within the 1.3 million square nautical mile area managed by the North Pacific Council, of which approximately two-thirds, or 66 percent, is closed to all or some fishing activities, many of which qualify as marine protected areas.

Our ecosystem-based management approach is not focused on fisheries extraction alone, but includes explicit consideration of numerous related components of the marine ecosystem, including: seabird, Steller sea lion, and other marine mammals and protected species; predator-prey relationships and a ban on fishing for forage fish species; conservative exploitation rates for target species; aggressive bycatch reduction measures for species like halibut, salmon, and crab; comprehensive observer and catch accounting system; and, importantly, the use of geographic/area closures to fishing activities throughout the Gulf of Alaska, Bering Sea and Aleutian Islands, and into the Arctic. Management decisions, including designation of closed areas, are informed by detailed staff analyses, review by our Scientific and Statistical Committee, recommendations from our industry Advisory Panel, and input from a wide variety of stakeholders.

DEVELOPMENT OF CLOSURE AREAS IN THE NORTH PACIFIC

Closure areas in the North Pacific have been implemented for a variety of reasons, including: essential fish habitat designation, or further designation as habitat areas of particular concern (particularly deep sea coral concentrations); specific protections for crab, halibut or rockfish nursery areas; minimizing bycatch of prohibited species; Steller sea lion protection (critical habitat or foraging areas); or simply as a precautionary measure in the face of limited information (such as the Arctic FMP). The attached maps provide a visual representation of the scope and magnitude of some of these closed areas. The attached table provides more descriptive details on major closed areas. A few of the most important examples include:

- The U.S. Arctic EEZ—nearly 150,000 square nautical miles closed to all commercial fishing as a precautionary measure, pending better scientific information on resources within that area.
- Steller sea lion protection zones—over 73,000 square nautical miles, throughout the Gulf of Alaska, Aleutian Islands, and Bering Sea, closed to fishing for major sea lion prey species (pollock, Pacific cod, and Atka Mackerel) and/or to protect haulouts and rookeries.
- Coral gardens and seamounts in the Gulf of Alaska and Aleutian Islands—over 10,000 square nautical miles closed to all bottom contact fishing gear, to protect deep sea coral concentrations.
- Bottom trawl closures developed to protect Essential Fish Habitat (EFH)—over 400,000 square nautical miles in the Northern Bering Sea and throughout the Aleutian Islands management area closed to bottom trawling, to protect pristine habitat and to 'freeze the footprint' of existing bottom trawling.
- Crab protection zones—over 31,000 square nautical miles, in the Gulf of Alaska, Bristol Bay, and Pribilof Islands, closed to trawling to protect vulnerable crab habitat.
- Southeast Alaska trawl closures—nearly 60,000 square nautical miles closed to bottom trawling to protect crab and rockfish habitat.

What these closed areas have in common is that they were all implemented based on careful consideration of available scientific information, detailed analysis of biological, economic, and social impacts, and with extensive input from all affected or interested stakeholders, as well as the state of Alaska. The Council process, operating through the authorities of the Magnuson-Stevens Act (MSA) and subject to approval by the Secretary of Commerce, has demonstrated over and over that it is by far the best equipped to manage fishing activities within the U.S. EEZ, including identification and designation of areas appropriate for protection. The North Pacific region in particular benefits from some of the most extensive and robust scientific information available to inform its decisionmaking. Extensive analyses of the biological impacts to the marine resources, as well as the social and economic impacts to affected stakeholders, are conducted prior to any designations. This process includes outreach to, and input from, fishing industry participants, local, coastal residents, and environmental organizations. This ensures that when an area is identified for closure to fishing activities, we have confidence that the intended beneficial consequences to the ecosystem will indeed occur, and confidence that we have minimized unintended, and potentially adverse, consequences to the extent possible.

ALEUTIAN ISLANDS HABITAT CONSERVATION AREAS

I would like to specifically highlight the Aleutian Island habitat conservation area closures, which were established as part of the Council's EFH process mandated by the Magnuson-Stevens Act reauthorization. The Council process to identify and designate these areas (including NMFS and the state of Alaska) resulted in several hundred pages of detailed analysis of available scientific information, including information on coral concentrations and other benthic habitat features, as well as analysis of fishing patterns in the area. After a lengthy process of scientific analysis and stakeholder review, including input from local, coastal residents, fishing industry representatives, and environmental organizations, the Council ultimately developed a plan to protect known coral concentrations from fishing activities, and essentially 'freeze the footprint' of bottom trawling activity throughout the entire area. The result is that only about 6 percent of the entire area remains open to bottom trawling; however, it is that 6 percent which was identified through the Council process which is most critical to the continued viability of economically and socially valuable commercial fishing activities in this management area. Attachment 4 illustrates the careful balancing achieved by this process, and the necessary complexity resulting from consideration of numerous management objectives—this map shows the closed and open areas for only a single target species, Pacific cod. Unilateral closure of such an area would be unnecessarily devastating to the fishing industry, to numerous remote, coastal communities who are heavily dependent upon fishing activities in this region, and to the United States as a whole.

I would also note that we have developed an Aleutian Islands Fishery Ecosystem Plan (FEP), which serves as an overarching guide to our long-standing Fishery Management Plan (FMP). The FEP provides an explicit ecosystem context for management considerations, and includes a series of ecosystem indicators which can be periodically assessed to help inform whether further protections are warranted, and specifically guide decisionmakers as to specifically where and how such protections make the most sense. Our Council is now in the process of developing a similar overarching FEP for the Bering Sea management area. These processes will dovetail in 2016 as the Council will also be conducting a 5-year review of our Essential Fish Habitat provisions, which could inform consideration of additional, or alternative, closure areas.

BERING SEA CANYONS

An additional area of intense focus for our Council over the past few years has involved consideration of protection measures for canyon areas adjacent to the vast Bering Sea slope area, specifically Pribilof and Zemchug Canyons, the so-called 'grand canyons of the Bering Sea'. These canyons are small parts of the much larger Bering Sea slope, which is an area of extremely high productivity and importance to commercial fisheries. While relatively little fishing effort occurs in the two canyon areas (and most trawl effort occurs at depths far shallower than where most deep sea corals occur), the Council has been petitioned to prohibit fishing in these canyons, or in areas within the canyons, to protect areas of coral concentration or other benthic habitat. Beginning in 2012, based on initial video transect surveys (Miller et al 2012) and numerous proposals from ENGO organizations, the Council began to specifically examine the necessity of special protection for these canyon areas, as important habitat for deep-sea corals, sponges, and certain life history stages of fish and crab species. Based on examination of trawl survey and other available information, NMFS scientists concluded that while Pribilof canyon in particular does

contain areas of coral concentration, neither area contains unique physical characteristics which distinguish them from other areas of the Bering Sea slope.

Additional, underwater camera transect surveys were conducted in 2014, and the report of that research will be reviewed by our Council at our upcoming October meeting. Among the results of the recent camera drops are that about 97 percent of the images captured were classified as "*containing only unconsolidated substrate (mud, sand, gravel, pebble, or mixed course material)*." However, this work also did verify areas of the Pribilof canyon with deep-sea coral concentrations. While relatively little commercial fishing occurs in these canyon areas currently (less than 3 percent of total Bering Sea catch), and most trawling occurs at depths much shallower than most deep-sea coral concentrations, it can be an important area for certain species at certain time. The important point is that careful consideration of the available scientific information, and the involvement of the numerous stakeholders, is necessary in order to make informed, responsible decisions regarding proposed closures of large areas of the ocean. Similar to the development of the Aleutian Islands Habitat Conservation Area, it is likely that, in the case of the Bering Sea canyons, a more surgical resolution could result in appropriate protections, without unnecessarily closing large areas of the ocean which are, or may be in the future, important to fisheries, but which would provide little marginal habitat protection. This is not only possible through the Council process, it is precisely what the Council process was designed to accomplish.

EXAMPLES FROM OTHER REGIONS

Other regional councils around the country have implemented similar closures for habitat protection, through very similar processes.

New England: New England Council Chairman, Terry Stockwell, outlined in a recent statement numerous habitat protections developed by their Council over the years, some of which apply to areas which are currently being considered for National monument designation—for example, through the New England Council process fishing activities have been restricted in the Cashes Ledge and adjacent areas, an area of 520 square nautical miles, for over 15 years. The NEFMC just completed a multi-year review of its closure system. This included the innovative development of the Swept Area Seabed Impact model to evaluate the impacts of fishing on habitat. Some measures to protect deep-sea corals were first adopted in 2007. In 2013, the three East Coast fishery management councils signed a Memorandum of Understanding to coordinate protection of deep sea corals. The NEFMC is now moving forward with plans to adopt additional protections in many offshore canyons.

Mid-Atlantic: The Mid-Atlantic Council earlier this year took action to designate 'deep sea coral zones' which will prohibit the use of any bottom-tending gear over an area of more than 38,000 square nautical miles—an area nearly the size of Virginia. Reflective of the science-base, participatory process used in the North Pacific and other council regions, and the need to appropriately balance habitat protections with fishing opportunities, Council Chairman Rick Robbins was quoted—"*This historic action by the Council was made possible by the cooperation of a broad group of fishermen, advisors, coral researchers, conservation groups, Council members, and staff. . . . Many people deserve credit for their collaborative efforts to refine the coral protection areas in a way that protects deep sea corals in our region while accommodating current fishing practices.*"

The Mid-Atlantic Council took this action under the discretionary provisions of the Magnuson-Stevens Act which allow regional fishery management councils to designate zones where, and periods when, fishing may be restricted in order to protect deep sea corals. The success of this action hinged on a cooperative effort to define the proposed coral protection areas in order to protect deep sea corals in the region while accommodating current fishing practices and minimizing the potential negative economic impacts. Over the course of the amendment's development, the Council engaged with of a broad group of fishermen, advisors, coral researchers, and conservation groups.

A particularly successful element of this collaborative process was a workshop that the Council held in April 2015, in order to refine proposed boundaries for 15 "discrete coral zones," which are areas of known or highly likely coral presence. This workshop included participants from the Council's advisory panels, deep sea coral experts, industry members, and other stakeholders. During the interactive workshop, boundaries were refined and negotiated in real time, allowing the participants the opportunity to provide feedback on key areas of importance for both coral conservation and for fishing communities. This participation was critical to reconciling multiple boundary proposals, for which small-scale spatial modifications may have

led to large differences in impacts, and where fine-scale fishery and coral data were often lacking. Workshop participants were able to reach consensus on alternative boundaries for all 15 proposed discrete areas, all of which were ultimately recommended by the Council for implementation.

Pacific: The Pacific Fishery Management Council (Pacific Council) has a long and collaborative history of protecting habitat and unique natural areas. The West Coast currently has extensive conservation areas in place. In 2005, the Pacific Council set aside over 130,000 square miles of essential fish habitat conservation areas for species in its Pacific Coast Groundfish Fishery Management Plan. Additionally, there are five national marine sanctuaries on the West Coast, the California Coastal National Monument, and numerous state water marine protected areas in California, Oregon, and Washington. A new national monument designation for marine areas would presumably be for the purpose of protecting objects of historic or scientific interest and the West Coast has both existing protected areas and an open Pacific Council process to address current and potential future needs.

The Pacific Council is currently considering further geographic protections and conservation areas. The Pacific Council has been engaged for the last 5 years in an extensive review of groundfish essential fish habitat. This collaborative and transparent process between stakeholders, environmental organizations, and government agencies has resulted in proposals to add an additional 120,000 square miles of essential fish habitat conservation area designations. The Pacific Council also works closely with West Coast treaty tribes to ensure that protective measures are consistent with treaty trust responsibilities in the tribal usual and accustomed fishing areas. The establishment of a national monument would, in many ways, be duplicative of ongoing efforts, but would lack the Pacific Council's valuable public process.

Fisheries are import to our Nation in many ways; socially, culturally, and economically. The management of our natural resources through the National Monument Process can be seen as a blunt tool that causes controversy, resistance, and conflict. The Pacific Council believes that the management of our Nation's fisheries, fish stocks, and the habitats they rely on should continue to occur under the authorities of the Magnuson-Stevens Act and its collaborative processes through the regional fishery management councils. Our Nation's marine resources and fisheries are national treasures, treasures that are adequately protected under existing conventions.

Western Pacific—a flip-side story: A stark contrast to these examples of deliberative, science-based closure designations can be found in the Western Pacific Region, where U.S. fishermen governed by the Magnuson-Stevens Act and managed by the Western Pacific Council have lost 30 percent (665,000 square miles) of fishing waters to monument and sanctuary designations, which equates to more than 100 times the proposed Atlantic marine national monument in the Gulf of Maine and off Cape Cod, which together would total about 6,000 square miles. Created under executive proclamation without the science and collaboration described above, marine monument designations can subvert the socioeconomic and cultural importance of fishing to coastal communities (Hawaii is the 47th smallest state in the Union, with 6,459 square miles of land), which depend on the ocean for food, natural resources, cultural identity and social cohesiveness. Combined with prohibited areas established under the Council process (which are based on a scientifically informed, public process), currently 44 percent of the U.S. EEZ waters in the Pacific Islands are closed to U.S. longline and purse-seine vessels. Purported reasons for the creation of the monument in the Northwestern Hawaiian Islands (NWHI), e.g., protection of endangered monk seals from fishing and protecting fish stock recruitment areas for the main Hawaiian Islands (MHI), have proved unfounded. Somewhat ironically, monk seals increasingly migrate from the NWHI to the heavily populated MHI where they fare better (and which is exactly where displaced fishing effort occurs), and scientific research indicates that "connectivity between the MHI and NWHI is limited; thus, the MHI will not receive substantial subsidy from the Papahānaumokuākea Marine National Monument." (Toonen et al. 2011).

SUMMARY

In summary, area closures to fishing or other activities are indeed an important natural resource management tool and have been applied extensively in the North Pacific region, and in other regions of the United States. The Council process, guided by the provisions of the Magnuson-Steven Act and other applicable laws and subject to approval by the Secretary of Commerce, is uniquely positioned to most effectively implement this management tool, using the best available science and with the collaboration and input of affected stakeholders, and the affected, adjacent state(s). This process has resulted in the implementation of significant protection

areas throughout the North Pacific and the rest of the United States, and has done so in a way to minimize potentially adverse impacts to other components of the ecosystem, including region-wide habitat, bycatch encounters, coastal economies, and fishermen. Unilateral closure designations represent a tremendous destabilizing force which place significant investments at risk—ongoing investments in vessel replacement, processing facilities, and coastal community infrastructure, along with the thousands of jobs attendant to these activities, can be wiped out with a single, unanticipated, relatively uniformed action.

Successful use of this resource management tool requires a careful balancing of multiple considerations which is not possible under unilateral actions such as monument designations. In late 2014 the North Pacific Council, at the request of Senator Lisa Murkowski, submitted a comment letter on draft legislation titled "Improved National Monument Designation Process" (similar to legislation, H.R. 330, just introduced by Congressmen Jones and Young). Quoting from this letter, Council Chairman Dan Hull stated, *"Your legislation would indeed improve upon the existing process, and would require deliberative consideration of consequences, rather than unilateral Executive Action. . . . Further, we note that the Regional Fishery Management Council process provides an open and transparent forum to consider potential impacts of monument designation relative to fishing and related activities within any proposed monument site . . . and that, if an area is designated, any fishing regulations within that area should be accomplished through the authorities of the relevant Regional Fishery Management Council, and the processes of the Magnuson-Steven Act."*

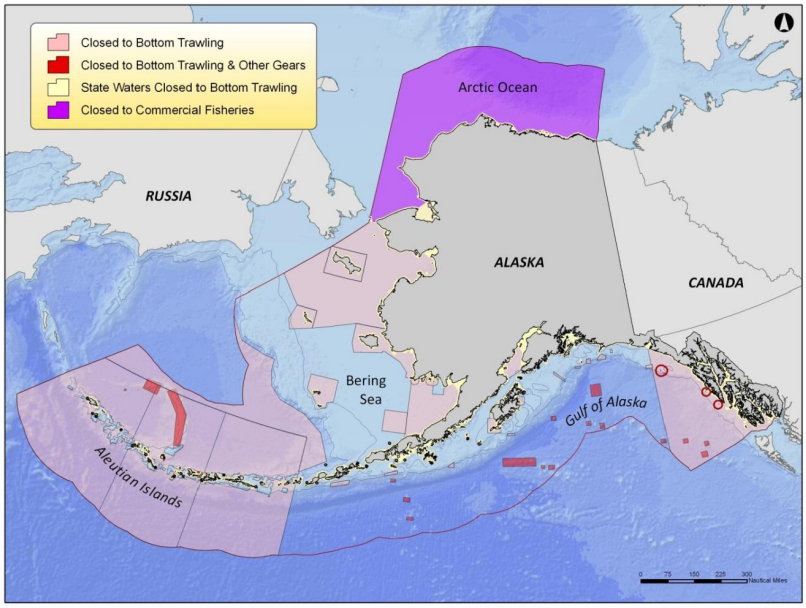
ATTACHMENT 1
Year-Round Area Closures Established by NPFMC off Alaska
Summary Table

Name	Location	Number of sites	Total Size (nm^2)	Closed to…	Reason for closure
Arctic EEZ	Chukchi and Beaufort Seas	1	148,393	All commercial fishing	Precautionary management given limited data on fish stocks
Steller sea lion protection measures	Federal and state waters by rookeries and haulouts throughout BSAI and GOA	149	60,000*	Trawling up to maximum of 20 nm; All vessel traffic to 3 nm in some areas.	Protect SSL foraging areas around rookeries and major haulouts
	Large foraging areas in federal waters of Aleutian Islands and GOA	2	13,427	Fishing for pollock, cod, Atka mackerel	Protect SSL prey base
Essential fish habitat	Coral gardens and pinnacles in GOA and AI	12	131	All bottom contact gear (marine reserves)	Preserve special areas of dense fragile deep sea corals and sponges
	Seamounts and Bowers Ridge	18	10,615	All mobile bottom contact gear	Precautionary protection for deep sea coral and other mostly pristine habitat
	GOA slope habitat areas	10	1,892	All bottom trawl	Protect deep sea corals and other habitat on slope
	BS island and nearshore habitat areas	3	20,866	All bottom trawl	Protect vulnerable nearshore habitat
	Northern BS research area	1	65,559	All bottom trawl	Protect mostly pristine habitat given limited data
	AI and BS freezing the footprint/ untrawled areas	2	326,235	All bottom trawl	Precautionary management to protect mostly pristine deepwater habitat
Crab protection areas	Kodiak, Bristol Bay, Pribilof Islands	6	31,000*	All bottom trawl, also pelagic trawls (Pribs)	Protect vulnerable crab habitat and minimize bycatch mortality
GOA trawl closures	SE Alaska, Cook Inlet	2	58,294	All bottom trawl	Protect habitat for rebuilding rockfish and crab stocks

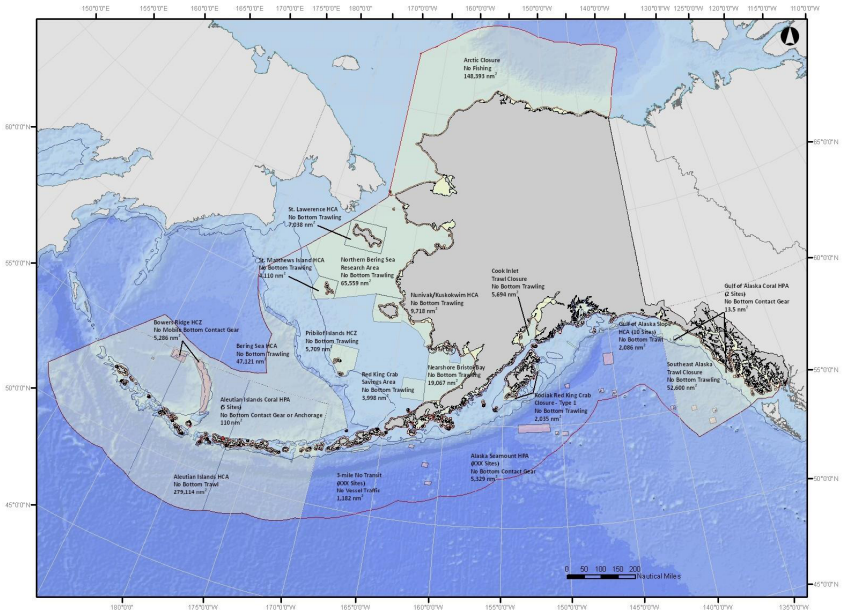
* Estimate; not precisely calculated from GIS mapping.

ATTACHMENT 2

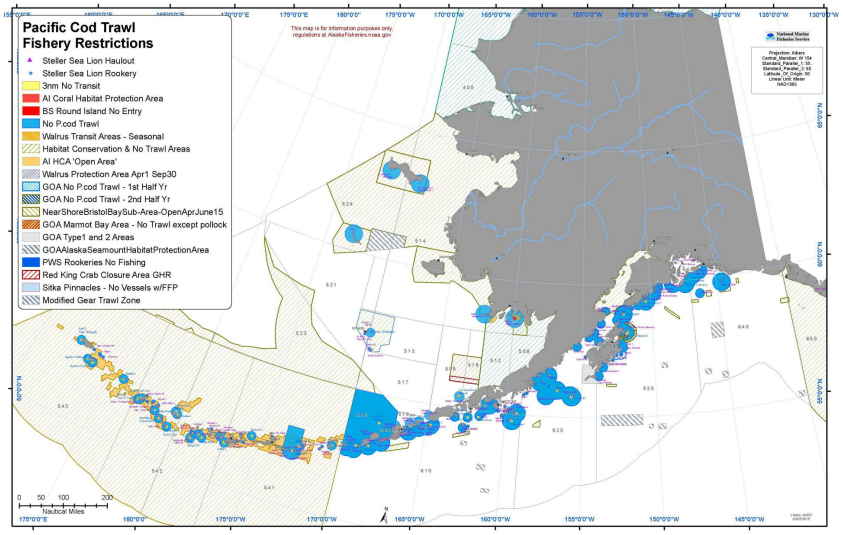
Year-round area closures established by the North Pacific Fishery Management Council. Note that closures to protect Steller sea lion prey are not included in this figure.



ATTACHMENT 3



ATTACHMENT 4



Dr. FLEMING. OK. Thank you, panel. Thank you for your valuable testimony.

I believe we will begin with questions, and I now recognize myself for 5 minutes.

Mr. Williams and also Mr. Moore, you saw the photograph up there of Mr. Huffman, Ranking Member, with the fish that he caught—I believe you said it was in either a sanctuary or——

Mr. HUFFMAN. It is a sanctuary.

Dr. FLEMING. Sanctuary. OK. So my question to you, Mr. Williams and Mr. Moore: will you be able to fish in sanctuary and monument areas?

Mr. MOORE. Mr. Chairman and Mr. Huffman, if you had gone fishing in the Channel Islands National Monument, as opposed to the Gulf of Farallones, you would not have been able to fish, because there is a massive marine protective area closure in both state and Federal waters in that island.

So, it is going to depend on what regulations are in place in what area.

Dr. FLEMING. Mr. Williams, what about you?

Mr. WILLIAMS. We are being told that we are not going to be allowed to go in there. I have not been told anything from NOAA. The environmental groups that are spearheading this have it closed for commercial fishing.

Dr. FLEMING. What about that, Dr. Bamford? Are they going to be able to fish?

Dr. BAMFORD. Again, for sanctuaries, the ones that exist, there is a lot of fishing that is allowed. Less than 2 percent of fishing is restricted within sanctuaries, based on the sanctuaries authorities and the Sanctuaries Act. We have thriving, both commercial and recreational fishing——

Dr. FLEMING. Well, what about going forward? We are talking about new sanctuaries, new monuments. Is fishing going to be allowed or not?

Dr. BAMFORD. New sanctuaries will be designed by the public. There is a very public process that we go through that includes the fishing councils and the fishermen. So it just will——

Dr. FLEMING. So, really you are not committing one way or another here today that there will be fishing.

Dr. BAMFORD. That is correct. It will depend on the resources.

Dr. FLEMING. OK. Now, Mr. Williams, you were at the September 15 town hall hosted by NOAA regarding the potential marine national monument designation in New England. In your testimony, you mentioned that it was hastily arranged and that NOAA provided little detail on the proposal. Could you elaborate a bit more on that and the town hall meeting as a whole?

Mr. WILLIAMS. Generally, whenever there is a public hearing or public meeting, you will find it in the Federal Register. I believe there is a regulation someplace; it has to go in 3 weeks prior to the meeting.

This meeting was not announced until 10 days prior to the meeting. It went out in email, and it just went to a general NOAA emailing address; and many people that are actually in these fact sheets did not even know about the meeting. They are stakeholders, and they did not know about it until even up to the day before the meeting.

Dr. FLEMING. And, Dr. Bamford, it seems like there was little or no notice. It was difficult for Mr. Williams. We know he is a busy businessman, commercial fisherman. What about that?

What is your response to such lack of notice?

Dr. BAMFORD. Although no public process is required on the Antiquities Act, we did want to hold a public process, a public meeting, and a listening session in the region.

On September 1, the NGOs held a meeting at the aquarium, and they talked about this issue. We heard interest in it, so we wanted to follow up with a public——

Dr. FLEMING. But what do you say to Mr. Williams though? This is his trade craft. This is how he makes a living. He has employees, I am sure. What do you say about this?

Does it really matter that he does not get notice? His business could be wiped out of existence.

Dr. BAMFORD. The listening session is very important information. We are continuing to gather information. We are very thankful that Mr. Williams was there. The public comment period is still open, and he can submit continued comments into that process.

Dr. FLEMING. Mr. Williams, what do you say about that? How does that impact your business?

Mr. WILLIAMS. I think it is unfortunate that this was the only meeting, and I was basically given 2 minutes. I mean even getting 5 minutes in front of you was much better.

It is pretty hard to go up and make a position to try to save your company in 2 minutes.

Dr. FLEMING. Dr. Bamford, would you commit today to having more meetings, giving Mr. Williams and others an opportunity to make their plea?

We still do not know whether they are even going to be allowed to fish if this goes forward, but certainly their input is important. Would you agree? Would you agree to more meetings?

Dr. BAMFORD. I would agree input is extremely important, and that is why we have the public comment period still open.

In terms of our future schedule——

Dr. FLEMING. But I asked about meetings.

Dr. BAMFORD. In terms of our future meeting schedule, I really cannot speak to that at this point, but continue to engage——

Dr. FLEMING. So you will not commit to more meetings?

Dr. BAMFORD. In terms of our future schedule, I don't know that at this time. We can get back to you on that.

Dr. FLEMING. So, your schedule is more important than Mr. Williams' business is what you are saying.

I now yield to the Ranking Member for questions.

Mr. HUFFMAN. Just for the record, that is not what I heard you say. I will ask you, Dr. Bamford—we do a lot of strawman chasing here in the committee, we hear rumors and sometimes even concoct threats toward industries, and then have entire hearings that are about knocking down those strawmen.

So, we are hearing about a petition to use the Antiquities Act, a petition not from anybody in government, not from anybody in Congress, from people entirely outside, to create a new national monument in the Aleutian. Is the Administration, to your knowledge, even considering a national monument designation in the Aleutians?

Dr. BAMFORD. I have not been part of those discussions.

Mr. HUFFMAN. Yes.

Dr. BAMFORD. But to my knowledge, no.

Mr. HUFFMAN. I have seen no evidence of it either, but it is one of many useful strawmen that we see in the political debate around here.

Let me just ask you. Is a Presidential Proclamation under the Antiquities Act the only way a national monument can be created? Is there another way to use the Antiquities Act?

Dr. BAMFORD. That is correct. There is another way. Congress, under legislation, can also designate a monument, as well as the President through the Antiquities Act.

Mr. HUFFMAN. Right, and in addition to the power to create national monuments, does Congress have the authority to rescind national monument designations?

Dr. BAMFORD. I think so, but I am not 100 percent sure on that question. So I will have to get back.

Mr. HUFFMAN. I think you are right. I think your 'think so' is right, and that they can.

And, given that national monuments clearly are not permanent and, in fact, have been altered and even disbanded by Congress in the past, there is nothing to prevent the Majority, if they are so outraged about abusive designations of national monuments, to come up with a list of ones that they would like to see go away, put that list forward for public comment, and try to move legislation, instead of broad claims about abuse and improper use of the Antiquities Act.

Dr. Rosenberg, we have heard testimony that decisions on which areas will be closed to fishing are best left to the councils under the Magnuson-Stevens Act. Do councils have the authority to prohibit drilling, mining, land-based pollution, things that could adversely affect fisheries resources other than just fishing?

Dr. ROSENBERG. No, they do not.

Mr. HUFFMAN. In your opinion, is it fair to say that some councils, such as the Pacific and North Pacific, have done a better job of protecting the ecosystems for healthy fish stocks than others?

Dr. ROSENBERG. I think that is generally true; but it is more complicated than that, as you can imagine, because everyone had a different starting position from when the regulations moved into place. So, yes, I do think North Pacific and Pacific have generally done a better job, but they also had a much better starting position when the Act came into place.

Mr. HUFFMAN. Let me ask you specifically about the New England Council. Do you think that a failure by that Council to protect key spawning areas and other critical habitat contributed to the collapse of the cod stocks?

Dr. ROSENBERG. I think it did.

Mr. HUFFMAN. Do you think a stronger network of marine protected areas in New England waters, including Cashes Ledge, would help groundfish stocks rebound, particularly in the face of climate change?

Dr. ROSENBERG. I believe the Cashes Ledge is quite important. I do think that it would help cod stocks and some other groundfish stocks. Of course, the large, closed areas of New England have had a major impact for other groundfish stocks. We have very good evidence how effective they are, unfortunately not so much for cod. So, Cashes Ledge is a very important area.

Mr. HUFFMAN. Thank you.

Mr. Williams, I just want to say I appreciated your testimony. I appreciate the fact that you see value in the process. When you get folks in the room of different perspectives, the process can, and often does, work quite well.

You obviously feel blindsided because you heard about a possible national monument designation that could move very quickly without the kind of process you are interested in, and I think your request for input, for more deliberation, and stakeholder involvement is a very reasonable one.

My prediction, however, is that that's going to happen. You know, we will see. We do a lot of hyperventilating here about things that are not real or never happened. My prediction is, that whether this goes the way of the Antiquities Act, or under the Sanctuaries Act or whatever, nobody is going to blindside you with some permanent Federal fishery closure. I suspect that there is going to be a very open, deliberative, and inclusive process that unfolds on anything that happens in that area. That is my prediction, and again, I just want to say I think your concern is understandable, but I think it will be considered and addressed.

With that, I yield back.

Dr. FLEMING. I am sure Mr. Williams appreciates your clairvoyance——

Mr. HUFFMAN. Yes.

Dr. FLEMING [continuing]. And ability to predict the future.

[Laughter.]

Dr. FLEMING. Mr. Young, I recognize you for 5 minutes.

Mr. YOUNG. Thank you, Mr. Chairman.

I do compliment Dr. Bamford. This Administration could dance better than the Rocky Bottom Boys almost. I have never seen groups not ever answer a question. That is what you have not done.

Because no one wants to answer a question, you slip through the darkness and impose restrictions. The Antiquities Act was never meant for the ocean, never. Now to reach in, you say there is no worry about the Aleutians. Fine. Let's put it into law. You want to solve the problem? Let's put it into law.

You say it is not there, say it is a straw boy? Let's put it into law, because it will be proposed by this Administration. I will say this, because I have been here 44 years and I have watched this, "We aren't going to do anything to you. Don't worry. The check is in the mail."

It has killed my timber industry and is trying to kill the fishing industry by federally-controlled management of fish, and I would say timber and all other resources, otherwise a socialist program.

Has anybody explained to me, and I have listened to one doctor there, what advantage if someone has been fishing in an area for 44 years, and then you cannot fish because you have decided that this is a pristine area. It is a pristine area and you have been fishing there for 44 years. You do not count. You made a living off the ocean, but it is more important to somebody from Boston, it is more important to somebody from San Francisco or Los Angeles, not to the fisherman.

Now, of the fish, and remember I was the author and a sponsor of the Magnuson-Stevens Act—if they are not sustainable, cannot provide it, the fishing is not allowed; but if you take fishing away from the fisherman when there is no danger to the fish and then you declare an Antiquities Act, you are taking the fishing industry away from that fisherman. And that has happened, and they are continuing to try to do it.

We are buying more fish now from Thailand and Vietnam than we are catching ourselves. I challenge you to go over to Thailand and Vietnam and see how they can take care of their fish.

We are taking care of our fish, and why would we impose—and the good lady said, we do not know for sure if they can fish or not. Let's put it into law. Fishing that occurred in the past can continue to occur.

Uh-uh, not going to do that because it is not a monument. It is not a sanctuary. It is an area, we are going to protect it from you.

That is the thing that I have watched over and over, the creeping cancer of the Federal Government over-reaching. The worst managers of any resource is the Federal Government. They do not manage. They preclude. No happening at all.

Mr. Oliver, you mentioned, I believe, or they mentioned in the questionings of the other councils, the councils are already doing a lot. What are they doing to help these things out? What are the councils doing?

Mr. OLIVER. I provided some examples of other regions around the country. I can speak certainly to the North Pacific.

I would repeat the statistic I mentioned earlier in my testimony. We have 1.3 million square nautical miles that we manage, and two-thirds of that area, or about 665,000 square miles of it, is closed to all or most fishing activities. That is, I guess coincidentally, or perhaps ironically, equal in size to the 665,000 square miles that have been closed in the Western Pacific under monument designations.

Mr. YOUNG. So what you are saying now—have any of these monuments been proposed in the areas already closed?

Mr. OLIVER. We have not had any formal monument designations.

Mr. YOUNG. Wait a minute. Listen. If you have that many acres off limits now, are any of the monuments that they are proposing in that area? No, that is the answer to that.

Mr. OLIVER. No.

Mr. YOUNG. They are proposing the areas that fishing takes place now; is that correct?

Mr. OLIVER. The areas that I have heard discussed for proposed monument designation include areas like the Aleutian Islands, which are currently under our participatory, science-based process. Only 6 percent of that area, for example, is open to cod fishing; but it is critically important that that area be open to cod fishing.

Mr. YOUNG. And that is the area they are proposing.

Mr. OLIVER. Yes, sir.

Mr. YOUNG. They say this is a strawman—baloney. I know when they propose something, it is going to be attempted by, and you say you can do it by legislation. We have a one-man delegation. You have 52, I believe. A one-man delegation, and I am going to change the Congress to try to solve the problem? You know that is not going to happen.

So, I am saying that Congress should not allow these monuments set aside and sanctuaries set aside in the fishing area, period, until it is cleared by the Congress. Let the Congress say.

Why do we let the President do this all the time? Let the Congress make that decision. If you decide you want to make it through the congressional level, then let it happen. I am still only one guy.

But maybe, just maybe, instead of the agencies doing it, it would be the right way to do a democracy, not the Federal agency telling us what to do.

Twentieth, Mr. Chairman, we are ranked today on freedom. That is how far we have gone down the line.

I yield. I do not have any more.

Dr. FLEMING. The gentleman's time is up. The gentleman yields. The Chair now recognizes Mr. Sablan for 5 minutes.

Mr. SABLAN. Thank you very much, Mr. Chairman; and good morning, everyone.

Mr. Chairman, I actually never left the subcommittee. I could not. Whenever the word "old-shunist," I am there. I am glad to be back.

Thank you for holding today's hearing, and while I cannot speak for the residents of Alaska and Cape Cod, where there are petitions

pending with the Administration to designate areas off of Alaska and Massachusetts, I can speak to you about an existing national marine monument that surrounds the Northern Mariana Islands, the district I represent.

While some people may see the establishment of monuments as cutting off commercial fishing access, undermining domestic seafood supplies and associated jobs, and harming the environment, this is not entirely the case in the Marianas Trench Marine National Monument.

Then-President George W. Bush established a Marianas Trench Marine National Monument by Presidential Proclamation in January of 2009. Over 6,000 people in the Northern Mariana Islands supported the creation of the monument in a petition campaign to the White House.

As I have said before, we are justifiably proud of this world class conservation area: 95,216 square miles of submerged land and ocean waters. The marine monument that President Bush established is truly a national wonder. It includes the Marianas Trench, the deepest point on earth. It includes 21 undersea mud volcanoes and thermal vents harboring exotic forms of life in some of the harshest conditions imaginable.

A pool of liquid sulfur at the Daikoku submarine volcano in the monument is one of only two known locations of molten sulfur. The other one is on Io, one of the moons of Jupiter.

In the Commonwealth of the Northern Mariana Islands, we value the monument. It is home to species ranging from stony corals to threatened sea turtles to unique deep sea animals. Protecting this and other special places from destruction is critical to scientific discovery and natural resource management.

After the creation of the monument, it was important to follow up with education, scientific research, and exploration of this vast area. That is why I had introduced bills that would authorize the construction of a multipurpose visitor center for the interpretation, public education, and enjoyment of the marine environment within the boundaries of the Marianas Trench Marine National Monument.

Later, I was able to secure funding through appropriations for the assessment of a possible visitor center site, and last year in September, the Marianas Trench Monument Advisory Council hosted public meetings to gather ideas from the community regarding the purpose and location for the visitor center.

A final report has been drafted and is being reviewed by the Commonwealth government.

Management plans are also being hashed out, especially as the Commonwealth government and the Federal Government continues negotiations on the terms to coordinate management around the island's unit, which includes management of the waters and submerged lands of the three northernmost Mariana Islands.

Back in 2013, we were able to address management measures to allow noncommercial fishing, including subsistence, recreational, and traditional indigenous fishing, within the island units. This was an important step to harmonize the traditions of the people of the Northern Mariana Islands while at the same time to help protect and preserve valuable natural resources.

Its location is different, and any president considering establishing or expanding a marine monument should always thoroughly consider the benefit and impacts to that area.

I will being my line of questioning with Dr. Bamford.

Dr. Bamford, how close are you to finalizing an agreement with the Commonwealth government on the coordination of management of the protection of resources of the monument?

And, can you please provide, as I have very little time, a brief description of NOAA's plan to support the Marianas Trench Monument in the upcoming fiscal year?

Dr. BAMFORD. Thank you.

Yes, we have provided, as you said, a draft management plan to CNMI, and they are currently reviewing that. As you know, they have been hit by a number of typhoons so they have been pretty busy, but they are getting to it.

We have a great working relationship with CNMI and are looking forward to completing that.

Mr. SABLAN. When? When? When?

Dr. BAMFORD. Hopefully, as soon as possible.

Mr. SABLAN. That is not a time.

Dr. BAMFORD. Well, it is in CNMI's hands right now.

Mr. SABLAN. I understand.

Dr. BAMFORD. So, hopefully, they will get that to us as soon as possible.

Mr. SABLAN. I empathize with Mr. Young's statement that he is a single delegation. Imagine not just being a single delegation, but being a delegate and also getting the Federal Government—Mr. Chairman, my time is up. I will yield back.

Dr. FLEMING. I thank the gentleman.

The Chair now recognizes Mr. LaMalfa for questions.

Mr. LAMALFA. Thank you, Mr. Chairman.

Pivoting off of what my colleague from Alaska was saying here, when you are looking at a designation of a monument, sanctuary, or wilderness area, it only takes one signature by the executive. We heard the gentleman, Mr. Moore, talking about how he had 2 minutes to make his case, right? Is that not what you said earlier?

Mr. MOORE. No, that was Mr. Williams, I believe, sir.

Mr. LAMALFA. Oh, was it Mr. Williams? OK. I am hopping around here. Sorry.

The gentlemen who are in business here, 2 minutes to make your case for something that gravely important to you versus a stroke of a pen down at 1600 Pennsylvania, and then it was asserted that, "Well, you can repeal it any time."

It takes 218 plus 60 plus 1. As you have noticed, things do not move very quickly in this body around here, nor do you align the planets, or the blood moon or whatever it is, that often to get that done very often.

So, once you have one of these designations, it just does not come right back off, and the public process can be very spotty.

I have clairvoyant prediction as well. Sometime in the next 16 months, there will be several new wilderness areas, monuments, others put in place with little activity from the people that really are paying for it being able to counteract that.

So, I am not happy with it when Ms. Bamford mentioned also that there is no requirement of public process in the Antiquities Act. You said that, correct?

Dr. BAMFORD. Yes.

Mr. LAMALFA. OK. So it is the public who loses out on it. As I watch our forests burn in California in the West, seeing how the Federal Government being in charge of that Federal land is continuing to let that happen, I do not think we need to have a heck of a lot more lack of public process in how these things are managed.

Let me get to a question or two here quickly. The gentleman from Alaska was speaking about the Magnuson-Stevens Act, and there will be a reauthorization of that in H.R. 1335, that the Act would be the controlling fishery management authority in cases of conflict with sanctuaries or monuments, et cetera, under the Antiquities Act.

First of all, Ms. Bamford, do you support this language in H.R. 1335?

Dr. BAMFORD. As a single agency under the Administration, I cannot really comment on that legislation at this time.

Mr. LAMALFA. So how difficult is it? What is the process for getting permitting to fish in an area that is not already designated as a monument or a sanctuary? What is the process one would have to go through to go out and set up shop and start a fishing operation in any area not designated, just for the record?

Dr. BAMFORD. Typically the requirements for fishing in Federal waters would be worked through the Fisheries Management Council process.

Mr. LAMALFA. And what kind of permitting does that look like?

Dr. BAMFORD. I think it depends on the type of fishing, if it is trawling, if it is in the water column. There would be various permits and processes that would take place depending on the type of fishing and the type of region that you are in.

Mr. LAMALFA. If I wanted to set up shop to take any type of fishing, are there permits available? Are they all taken up? Are they expensive? What is the time line for them, things like that?

Dr. BAMFORD. Again, it depends on the region and what fish you are actually talking about, but I can get you specifics as a follow-up.

Mr. LAMALFA. Well, would you say there are permits readily available for most types of species, whether it is trawling, whether it is shellfish, what?

Dr. BAMFORD. I am not sure.

Mr. LAMALFA. OK. I would guess that they are not very easy to get a hold of and that they are pretty expensive. My understanding is that these permits are kind of like something that is inherited, or passed through generations or sublet, and so you do not easily just set up shop fishing.

What I am getting to is that the designation of a marine sanctuary or a monument is a vast over-reach when you already have a regulatory scheme in place that monitors and keeps in check the amount of fishing that goes on.

And, indeed, if you are having an enforcement operation, is it any easier to enforce people that have a permit for fishing versus

those that should not be out there at all? Is it the same amount of effort for enforcement personnel to enforce inside a sanctuary versus legalized fishing in maybe a similar area?

Dr. BAMFORD. We focus our enforcement within the sanctuaries, monuments, and fishing grounds as appropriate.

Mr. LAMALFA. Thanks, Mr. Chairman.

Dr. FLEMING. OK. The gentleman yields back.

Mr. Lowenthal is recognized.

Dr. LOWENTHAL. Thank you, Mr. Chair, and I am glad we are having this hearing today. In my state of California, we have one of the largest ocean economies in the country, but we also understand the importance of, and the value of, setting aside large areas of the ocean for conservation, and we are talking about national marine sanctuaries, but we are also talking about, in the discussion today, we are talking about all of the marine protected areas.

As has been pointed out, although we have set aside thousands of acres of Federal and state waters protected areas, which include as we know the sanctuaries, the reserves, and the monuments, no take fishing amounts to only slightly less than 3 percent of the areas of water that are dedicated.

So, we are not talking about a large amount of area, because in our toolbox, which we are really talking about what should be in the toolbox, there are many things to preserve our ecosystem, how we can build resilience. We can use this to build resilient ecosystems, rebuild fish stocks; and we can also do that without totally eliminating the ability to fish, and that is really what we are talking about.

I think it is really important that we go about setting aside marine protected areas in the right way to maximize ecosystems and economic benefits. Marine protected areas offer great long-term protection and conservation potential, but as with any tool as we are hearing, the type of protection needs to be carefully matched to the conservation and fishery management goals that we set out for an area.

We need to make sure that communities are on board because public input and buy-in is important. We also need to ensure that management is ecosystem-based, includes relevant stakeholder partnerships, and that scientists do have access to track the conservation's progress and to measure results.

Finally, and this is our job in Congress, we need to make sure that sanctuaries, wildlife refuges, and monuments have adequate funding in order to properly manage these conservation areas.

My questions are to Dr. Bamford. As the Chair, myself, of the Safe Climate Caucus, I am very much interested in how we can increase the resiliency in the face of climate change. You have been a leader in efforts to build resiliency to climate change and to managing our oceans and coastal resources to best address a shifting climate.

What I would like to know is: what are the scientifically accepted practices for increasing the resiliency of ecosystems to respond to these changes? That is my first question.

Dr. BAMFORD. Ecosystems, we have shown in studies, are significantly important to improving the resiliency of any coastal community. We have seen it for essential fish habitat; but beyond that,

we have seen it for coastal protection of severe storms as well as flooding, both nuisance flooding that can happen on sunny days during high tides and high winds, as well as during major storms.

So, ecosystems provide a suite of services, not only for the ecosystem and the species that live in the water, but for the community itself.

Dr. LOWENTHAL. Good. So you believe then, in talking about habitat protection, that some highly valuable and diverse marine ecosystems for permanent protections can aid in that effort; that's what you believe?

Dr. BAMFORD. Yes, sir.

Dr. LOWENTHAL. Dr. Rosenberg, are there changes happening in the oceans that are impacting marine ecosystems and fish stocks?

Dr. ROSENBERG. Yes, there are. Certainly, the ongoing effects of climate change as detailed in the National Climate Assessment are changing the conditions for marine ecosystems, and we have seen quite a bit of that in the Northeast, including, of course, the impact on iconic cod stocks.

Dr. LOWENTHAL. In your testimony and here, you raise the concept of marine protected areas as a hedge against uncertainty and overexploitation of resources.

Do you believe that climate change makes hedging our bets in this respect even more important?

Dr. ROSENBERG. Absolutely.

Dr. LOWENTHAL. Thank you, and I yield back.

Dr. FLEMING. The gentleman yields back.

Mrs. Radewagen is recognized for 5 minutes.

Mrs. RADEWAGEN. Thank you, Chairman Fleming and Ranking Member Huffman, for holding today's hearing.

I also want to thank the panel for being here today.

In my home district of American Samoa, the ocean plays a culturally and economically significant role in day-to-day life, and has for hundreds of years. Long before American Samoa became a U.S. territory, people have fished for their livelihood in these waters that surround the island, and to this day these traditional fishing methods are still practiced.

In addition to the cultural significance, commercial fishing and the related industries make up nearly 80 percent of our island economy. So, I would not be exaggerating if I said the people of American Samoa understand better than most the importance of protecting our oceans, and how much of an impact those broad, sweeping administrative decisions have on individual communities.

Mr. Oliver, fishing is a mainstay for the local culture and economy in American Samoa, and both sanctuaries and marine national monuments in the Western Pacific have impacts on our fisheries. Many proponents of marine monuments say they do not hurt commercial fishing because the grounds directly outside of the monument become more fruitful.

However, in your testimony you seem to indicate that may not always be the case. Looking at the monuments in the Western Pacific, what did those designations do to commercial fishing?

Also, in your professional opinion, have the monuments in the Western Pacific succeeded in aiding the species they were created to protect, such as the monk seal?

Mr. OLIVER. I am not an expert on Western Pacific fisheries, but I can respond to that question based on my general knowledge and information that was provided to me for this hearing by the Western Pacific Council.

Any time you close an area, you move fishing effort into other areas, concentrated on the margins of the closed areas. If you do such a closure designation without a real knowledge of what those impacts are, you do not know whether you are moving fishing effort into areas that have a greater impact or a higher bycatch. All you know is that you have displaced fisheries.

In the case of the Western Pacific Northwestern Hawaiian Islands, the purported creation of the monument was for the protection of endangered monk seals from fishing, and also for protecting that area for fish stock recruitment, essentially for seeding other areas.

Recent scientific publications on that have actually shown that to be unfounded. In fact, somewhat ironically, the monk seal populations appear to be migrating out of the Northwestern Hawaiian Islands and into the main Hawaiian Island areas which, in fact, is where the effort was displaced directly into, where the displaced fishing effort now occurs.

That research also indicated that the connectivity in terms of stock recruitment, the connectivity between the main Hawaiian Islands and the Northwest Islands, is quite limited. Therefore, the main Hawaiian Islands will not receive substantial benefit from that closure.

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

Dr. FLEMING. The gentlelady yields back.

The Chair recognizes Mrs. Torres for 5 minutes.

Mrs. TORRES. Thank you, and good morning.

Mr. Rosenberg, the majority of the Fishery Management Council members are participants in, or otherwise financially linked to, the commercial or recreational fishing industry. Their votes are the ones who also determine how the Council manages offshore conservation efforts.

Do you think that this process produces the best outcomes, or could it be improved?

Dr. ROSENBERG. Thank you for the question.

You are certainly correct in terms of the membership of the councils. I believe that there has been significant progress in fishery management. Of course, the process could be improved. I think with the discussion that we are having today, although we are centering on fisheries, we have sort of left to the side all of the other issues that occur within an area that might be designated as a monument, such as the seamounts, canyons, and ledge areas for biodiversity; and the councils, while they touch on that and habitat, it is really only focused on the impacts on fisheries.

Mrs. TORRES. So how are the comments and priorities of nonfishing members incorporated into Council decisions?

Dr. ROSENBERG. There is a public process and usually the people who participate in that are from the nongovernmental organization. There is an opportunity for the broader public, but by and large, the broader public does not participate in the process. It is largely the fishing industry, both recreational——

Mrs. TORRES. The majority of you, as citizens, cannot participate because either they do not know about these processes, are left out because they are not members, or they do not have a participating member on this council or these councils.

Dr. ROSENBERG. They are not precluded from participating, but what you just stated is correct.

Mrs. TORRES. Thank you.

Dr. Bamford, we have heard that there are potential adverse impacts resulting from the creation of sanctuaries and monuments. I also know that there are positive economic impacts.

Can you talk a little bit about those positive economic impacts?

Dr. BAMFORD. Yes. Thank you for the question.

It is estimated, as I said in my opening remarks, that sanctuaries can generate about $4 billion annually to coastal communities. There is also a significant increase in tourism and recreation.

For example, up in the Great Lakes, we have the Thunder Bay National Marine Sanctuary. It has generated $92 million in sales and $35 million in personal income, and has generated over 1,700 jobs in that region.

The visitor center at Thunder Bay, which is located in Alpena, a population of only 11,000 people, gets 60,000 visitors annually. That is three times the amount of the population, so it is an extremely populated destination for tourists.

Mrs. TORRES. And, it is because of this impact with tourism coming into these communities, that would otherwise not have solid employment opportunities, that I think it is critical for outsiders, that are not professional fishermen or financially linked to these management councils, to have an opportunity to be able to participate in the dialog as we move forward.

Thank you, Mr. Chairman, and I yield back the rest of my time.

Dr. FLEMING. The gentlelady yields back.

Mr. MacArthur is now recognized for 5 minutes.

Mr. MACARTHUR. Thank you, Mr. Chairman.

I have heard a lot of different Acts mentioned this morning: National Marine Sanctuaries Act, Magnuson-Stevens Act, the Antiquities Act. I have heard programs mentioned under those: the National Monuments Program, the Marine National Monuments Program.

I guess I would start with you, Dr. Bamford. Do you see these as parallel paths to achieve identical objectives, or do you think each of these has a unique purpose?

Dr. BAMFORD. Congress has created a number of different authorities for the Administration, as well as the President, to look at conservation. I do think they are different.

We have seen in the Sanctuaries Act, in the sanctuaries process, it is completely different from the monument process, which is also different from the Fisheries Management Council process.

Mr. MACARTHUR. Following on that, these all seem to have a nexus in your world, in NOAA, and I appreciate that. I represent a coastal area and a lot of interests, fishing interests and recreational interests, and I appreciate the work that NOAA does; but with regard to the Antiquities Act, what would you see as the primary purpose of that Act?

Dr. BAMFORD. So the primary purpose of that Act would be that it grants the President an opportunity to protect objects in the ocean to the fullest extent.

Mr. MACARTHUR. In your opinion is trying to achieve environmental objectives, as worthy as they might be to people, is that in your view, consistent with the primary purpose of the Antiquities Act as it was intended in 1906?

Dr. BAMFORD. I cannot speak to the original intent, but the Antiquities Act required that the President designate objects to be protected and assures those protections through that authority.

Mr. MACARTHUR. For the record, I would state my strong opinion that it is being abused, and that its purpose is trying to be twisted by people who did not get their way through the obvious path and are now wanting to go a different route and hopefully get a different result.

I will stay with you, if I might, for another minute. Representative Huffman predicted an open process, and I would like you to follow on—you were asked about this earlier, but you did say that no public process is required under the Antiquities Act; is that correct?

Dr. BAMFORD. That is correct.

Mr. MACARTHUR. So, how would we achieve this public process that was predicted? How will people have any input into this process if there is no public process required?

Dr. BAMFORD. Under the American Great Outdoors Act, this Administration has stated that it will have an open and transparent process for any monument designations. Although there is no public process required for the previous four national marine monuments in the Pacific that NOAA was involved with, there was public engagement, and so we are hoping that that process continues to help in decisionmaking.

Mr. MACARTHUR. I am hoping, too, although when it is not required by law, I become less optimistic in my hope.

Mr. Moore, I appreciated your testimony because, with all of this highfalutin talk about hopes and dreams and what we are going to do, it is good to be reminded that it affects real people, and the same with you, Mr. Williams. I thought it is helpful to be reminded that it affects real people.

And I guess I would ask you. I have gill netters, long liners, scallopers, and trawlers; I have them all. I have recreational fishermen that go out off the New England Coast and the Jersey Shore. I have people who make their living. We have a $4 billion fishing industry, and I have people that feed their wives, husbands, and children. They make their livings. They employ people.

What do I tell them when suddenly we have just decided without a public process being required, that suddenly this area is so pristine and so essential for the happiness of America that you can no longer fish in it?

How do we respond to people like that?

Mr. MOORE. I wish I knew, Mr. MacArthur. To me it makes no sense. You have the sanctuary process, which is locally-based and has a public process and so forth, which can designate discrete areas as perhaps worthy of protection, but it does not designate a massive area with just the stroke of one person's pen.

Mr. MACARTHUR. Well, I agree. I wish I had more time to discuss it more, but I yield back, Mr. Chairman.

Dr. FLEMING. The gentleman yields back.

The Chair recognizes Gentlewoman Dingell for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman.

Today's hearing is an interesting one, and it is an issue we should be examining very closely. However, the fact of the matter is that the national marine sanctuaries and marine national monuments have been very useful tools to protect some of the world's most iconic treasures, even if they lie on the ocean floor.

Testimony today has raised concerns that the new designations could hinder economic activity and cost jobs, and if that is indeed the case, I have some very serious questions, as have been raised, and I guess my colleague from Alaska is no longer here and others followed on it. I would like to say I would love to do more bipartisan talking about some of these issues in the Congress and wish we could do more together and find ways to do that. We do not do enough of it. But I will leave that. That will be my last editorial comment of the day.

Let me ask some questions that will explore this economic cost of jobs. Dr. Bamford, is it true that there is no hard and fast rule banning fishing in the marine national monuments, but that Presidential Proclamations and management plans for individual monuments dictate what is and is not allowed?

Dr. BAMFORD. Yes, ma'am, that is correct. It is depending on the objects being protected. Basically under the Antiquities Act and a monument, the President designates the object to be protected and assures their proper care and management.

Mrs. DINGELL. So are there monuments in sanctuaries that allow fishing?

Dr. BAMFORD. Yes.

Mrs. DINGELL. Can you please provide a list for the record of all the monuments and sanctuaries that allow fishing?

Dr. BAMFORD. Yes, we can.

Mrs. DINGELL. Then I want to build on some previous questions with both you and Dr. Rosenberg. Dr. Bamford, can you discuss how your agency balances the economic needs with conservation priorities when managing the national marine sanctuaries or monuments?

Dr. BAMFORD. Sure. We always try to balance economic, social, cultural, and heritage needs as well as the resources. We take an ecosystem-based approach to our management authorities. We do that through various processes.

For example, the sanctuaries process is a process that is bottom up. We work with the Sanctuaries Advisory Council. We take public input. We work with the community in the region to ensure we are balancing each of those pieces.

Mrs. DINGELL. Dr. Rosenberg, to what extent do fishery management councils take into account the needs and interests of other ocean users, such as ocean tourism and whale watching businesses, et cetera?

Is the Council process adequate to meet all of our important resource conservation challenges?

Dr. ROSENBERG. Those other activities are taken into account through the public process that the councils run; but, no, I do not believe it is adequate. I believe that is the reason why we have different authorities for different areas, like the Sanctuaries Act, in addition to the Fisheries Management Act. The Fisheries Management Act is focused on fisheries.

Mrs. DINGELL. Thank you. I yield back the balance of my time.

Dr. FLEMING. The gentlelady yields back, and the Chair recognizes Congressman Graves for 5 minutes.

Mr. GRAVES. Thank you, Mr. Chairman.

Thank you very much for being here, Dr. Bamford, and I welcome you back to being in the committee. I appreciate you being here again.

I am struggling a little bit with the National Marine Sanctuaries Act. Why would Congress establish a process whereby you could establish a national marine sanctuary, and then at the same time, have a law that predated it that Congress intended to allow for the President to create these offshore areas through the Antiquities Act.

Dr. BAMFORD. Congress has created a number of different authorities to the agencies and to the President for protecting natural resources for various reasons. These include the Outer Continental Shelf Act, Sanctuaries Act, Magnuson-Stevens Act, Coastal Zone Management Act; and I think the Administration looks at all of those tools in the toolkit to decide, based on what resource they are looking to protect.

Mr. GRAVES. Yes, but none of those other ones allow to set areas offshore and put restrictions on them in regard to designating them as sanctuaries or otherwise off limit zones. That would only be the National Marine Sanctuaries Act, correct?

Dr. BAMFORD. Say that again.

Mr. GRAVES. In terms of actually designating an area as protected area, only the sanctuaries authority in this case would apply in terms of being able to actually designate it as a protected area, largely.

Dr. BAMFORD. I think——

Mr. GRAVES. You have other things, essential fish habitat——

Dr. BAMFORD. Sure.

Mr. GRAVES [continuing]. And things along those lines which I understand, but in regard to establishing an area as a protected area, like you would a national park or something else, those two are the only ones that apply here.

Dr. BAMFORD. There could be others, but the National Marine Sanctuaries Act does designate certain areas under the Sanctuaries Act as protected and managed.

Mr. GRAVES. I just want to make note again that the Antiquities Act only makes reference to land, whereas obviously the Marine Sanctuaries Act applies to offshore areas.

Why do you think it is appropriate to avoid using authorities like NEPA and APA to apply to the Antiquities Act process?

Dr. BAMFORD. The President is not subject to the NEPA process, but once the monument is created or any monument is created, the agencies then promulgating any regulations or authorities do go through that NEPA process.

Mr. GRAVES. But is there any other case whereby a Federal project, program, or some activity would be carried out whereby you would sort of retroactively apply NEPA or APA, as opposed to doing it on the front end to help inform your decision in determining whether or not that it makes sense to actually do the designation to begin with and understanding socioeconomic, environmental impacts, and others?

Dr. BAMFORD. Again, the President is not subject to NEPA, but many agencies then that have management authority are, and we go through that process doing delegation of any rules and regulations.

Mr. GRAVES. So the answer is no? My question was: Is there any other situation where NEPA and APA effectively are applied retroactively like this?

Dr. BAMFORD. To Federal agencies? Not that I am aware of.

Mr. GRAVES. Thank you.

This really seems to be somewhat of a black box type process. NEPA does provide sort of a window into that. It allows for public participation, allows for I think the agency to get a fully informed approach to these decisions on the front end, and it seems entirely contrary to a lot of the messaging that this Administration has done in the past about transparency, making sure that decisions are fully informed, and environmental consequences are being considered. It just seems entirely inappropriate in this case.

What role do you see Congress having in terms of the role in making these designations? Certainly, there are cost implications and other things, which is a role of the Congress. What role do you see Congress playing in terms of designating these monuments?

Dr. BAMFORD. I do not want to define your role, but Congress has created the Antiquities Act and also Congress can, through legislation, designate a monument if they choose to.

Mr. GRAVES. But in regard to the designations or potential designations, it sounds like you are suggesting that Congress largely just play a bystander role, despite the fact that there could be significant cost implications on these decisions.

Dr. BAMFORD. I do not——

Mr. GRAVES. Mr. Chairman, one last question if I can.

Years ago there was a proposal that was out there. I believe it was called "Island in the Streams." It was a proposal for a potential monument designation in the Gulf of Mexico. Can you tell me if there are any potential monument designations in the Gulf of Mexico that are currently under consideration by the Administration?

Dr. BAMFORD. No, sir, not that I am aware of.

Mr. GRAVES. I just want to be clear, and certainly the Chairman knows this as well as I do. The Gulf of Mexico is a unique area; and coastal Louisiana in particular is known as being a working coast. We have been able to be the top offshore energy producer, the top commercial fisheries producer, I think the fourth top recreational commercial fisheries in the Continental United States, I think the fourth top recreational fishing destination, and one of the most productive ecosystems on the continent.

We have been able to manage all of those things at the same time, and we have done a good job at that. I just want to make

note that the management regime that is underway today seems to be working really well, and I think any efforts to come in and distort that would be problematic and not met very well among the Gulf Coast states.

Thank you, Mr. Chairman.

Dr. FLEMING. And among all those things, the best food.

We thank the panel members today for your valuable testimony. It has been very interesting and very informative.

Members may have additional questions; we will submit those in writing and would appreciate your response on that.

If there is no further business, the committee is adjourned.

[Whereupon, at 11:40 a.m., the subcommittee was adjourned.]

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