



May 16, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Ave NW  
Washington DC 20500

Re: Proposed Atlantic Marine Monument

Dear Mr. President,

The American Bluefin Tuna Association (<http://www.theabta.com>) represents tuna fishermen who fish for Atlantic *bluefin tuna*, *bigeye tuna*, *albacore tuna* and *yellowfin tuna* on the East Coast of the U.S. In our fishery, federal regulations require all commercial and recreational vessels to catch each fish, one at a time, exclusively using hook and line or by harpoon. In 2015, 6,725 vessels were issued commercial tunas fishing permits and 20,157 vessels were issued recreational tunas fishing permits by the National Oceanic and Atmospheric Administration (NOAA).

ABTA is actively involved in the domestic and international management of these important fish stocks. ABTA is also concerned with the management of other pelagic fish stocks that may be incidental or targeted species in our U.S. multi-species handgear tunas fisheries, such as *dolphinfish (mahi)* and *skipjack tuna*.

We have been informed by the White House Council on Environmental Quality (CEQ) that you are considering using your powers under the Antiquities Act to establish a marine monument encompassing 5 deep water marine Canyons and 4 Seamounts located in the Northeast Canyons Range, at the edge of the U.S. East Coast continental shelf.

We are basing our comments here upon certain information we received from the White House Council on Environmental Quality in two recent meetings. However, it

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is our understanding that most of the information regarding the details of the Atlantic monument concept comes from a proposal tendered by the Conservation Law Foundation (CLF), an environmental advocacy group, and our assumption is that the Administration's views on the monument concept are, in the main, embodied in the CLF's proposal.

According to the CEQ, the purpose and need for an Atlantic marine monument is to protect deep sea coral and to protect the areas in which deep sea coral are found from oil and gas exploration, sand and gravel extraction and the laying of cables. The CEQ also informs that the Antiquities Act, the instrument that provides the President with the authority to establish a monument, has particular value because it will confer permanent status to those protections deemed to be critical to protecting the stated ecological assets.

It is also our understanding that the Atlantic monument concept includes a prohibition on all forms of fishing within the monument.

The greatest difficulty ABTA has with the Atlantic monument proposal is the fact that it contains a prohibition on all forms of fishing including the types of fishing gear used by our fishermen. In this connection, we cannot state more emphatically: our fishing methods *cannot possibly* have a negative effect on deep sea coral or any other sea bottom attributes because we are using "surface" and "sub-surface" fishing gear, sustainable fishing methods that do not come into contact with the sea bottom. It is important to keep in mind that deep sea coral exists in this Region on sea bottom located at great depths. The fish stocks our fishermen are targeting, however, preferentially inhabit the top, not the bottom, of the water column.

There are also other important forms of fishing using different fishing gears, not within ABTA's purview, that take place in this region. Most of these forms of fishing will not negatively impact deep sea coral. To our knowledge, the only fishing method that will negatively impact deep sea coral is referred to as "bottom tending fishing gear".

Each of the species mentioned in the first paragraph above are present in the area of the 5 Canyons and 4 Seamounts seasonally and the Northeast Canyons in general have been known and highly valued by U.S. fishermen for many decades as a region in which these fish stocks can be found in great abundance. Therefore, given that

our fishing gear has no negative impact on deep sea coral, a proposed prohibition on the fishing methods we employ would be arbitrary, completely unnecessary and would result in significant negative economic consequences.

To be clear, ABTA strongly favors protections for deep sea coral. In fact, such protections are mandated by the Magnuson-Stevens Act and are presently under development in a regulatory process, referred to as the Omnibus Deep Sea Coral Amendment, initiated by the New England Fishery Management Council (NEFMC), specifically for this Region. This is a transparent, democratic process involving the best available science.

However, we wish to point out that there is presently no active role for the best available science in the proposal to create a marine monument in our waters.

The “best available science” in this case, is the science that was collected by NOAA in two lengthy cruises by NOAA’s only deepwater research vessel, the “Okeanos Explorer”, in 2013 and 2014. These surveys were conducted at great time and taxpayer expense using unmanned submarines. NOAA scientists surveyed the entire Canyons Region with the specific intent to determine the location of deep sea coral. This data is held by NOAA and any process intended to protect these important assets that does not actively involve the use of this data and the interpretation of this data by NOAA scientists is not using the “best available science”.

The process of establishing protections for deep sea coral already begun by the NEFMC is to be thoroughly informed and guided by the data collected by NOAA and involves direct participation by NOAA scientists with significant bona fides in this scientific realm. Therefore, given the great importance we all place on utilizing the best available science in protecting ecological assets, ABTA requests that the process undertaken by the NEFMC be allowed to continue through to rulemaking without the creation of a marine monument.

With regard to the relative permanence of protections under the monument concept as compared with the Council concept that will result in promulgation of a final rule protecting deep sea coral, executed by the Secretary of Commerce, we can advise as follows: while the protections established using the Antiquities Act are permanent, it must also be borne in mind that protections established by the NEFMC and the Department of Commerce can only be rescinded by an act of

Congress; a not insignificant impediment.

The CEQ has also mentioned that monument status can include desirable permanent prohibitions on oil and gas exploration. Fishermen have great concern for the potential for oil and gas exploration in the region and applaud the Administration's decision in mid-March to withdraw its plan to allow the sale of oil and gas leases on the East Coast. However, conveying this protection through the creation of this proposed marine monument, as envisaged, will do very little to protect the Northeast offshore region from oil and gas exploration.

As to the need for permanent prohibitions banning sand and gravel extraction, we can hardly imagine that this activity would be economically and logistically feasible, given the great depth in the area of the proposed site as well as the great distance from the proposed site to the U.S. mainland. The concern for damage to and the protection of important ecological assets by the laying of cables or sand and gravel extraction in an area to be designated as a protected area by the NEFMC is the direct responsibility of NOAA.

We thank you for the opportunity to express the views of ABTA regarding this critically important issue.

Cordially,

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cc: Christy Goldfarb, Managing Director  
White House Council on Environmental Quality

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