

# OPINION

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## OUR VIEW

# Stakeholders deserve open process in monument designation

*Editor's Note: The letters by the mayors of New Bedford and Monterey, California, referred to in this editorial are printed elsewhere on this page. New Bedford Mayor Jon Mitchell wrote to the White House Council on Environmental Quality and Monterey Mayor Clyde Roberson wrote to President Obama.*

The National Park Service was established 100 years ago when President Woodrow Wilson signed the National Park Service Organic Act. "The service thus established," the act reads, "shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the

fundamental purpose of the said parks and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

This brilliant action — called America's Best Idea by the Park Service — has enriched our nation, even the world, in ways perhaps never imagined by President Wilson or Congress, for the population is 3½ times today what it was in 1916, and the environmental impact of that growth could scarcely have been predicted.

The 84 million acres under the NPS is a treasure that belongs to all of us, and we

applaud efforts to expand the protection of our natural resources, but we also recognize some such efforts go too far, including in the push to establish a national monument off the New England coast.

The Canyons and Seamounts are indeed precious resources, but the scope and the current process being advanced by environmental organizations lack checks and balances that would deliver a better policy.

New Bedford Mayor Jon Mitchell last week sent a letter to the acting director of the Council for Environmental Quality, a White House agency that advises the president on such issues, noting the push for the seamounts monument has kept stakeholders from participating in

the process.

Indeed, we have previously reported on efforts by environmentalists to keep their advocacy for the monument designation a secret in order to gain an advantage over industry and other stakeholders.

Mayor Mitchell's argument is that the public processes enconced in the Magnuson-Stevens Fishery Conservation and Management Act provide a robust framework with both the scientific rigor and stakeholder access needed to create good public policy. He also noted that a virtuous alternative to the proposed designation and the potentially devastating impact this opaque process would have on commercial fisheries has been advanced by the Atlantic

States Marine Fisheries Commission. Both economic and conservation goals are achieved by the plan proposed by ASMFC, a congressionally authorized coalition comprising "the director of the state's marine fisheries management agency, a state legislator, and an individual appointed by the state's governor to represent stakeholder interests" in each of the 15 coastal states from Maine to Florida. The species sought and the methods used show sensitivity to the preservation of the resources, and the ASMFC proposal is "acceptable to the industry," the mayor wrote.

Also last Friday, the mayor of Monterey, California, Clyde Roberson, sent a letter to President Obama, because he is fighting off a monument designation off of his coast

that similarly threatens the commercial fishing industry there.

He argues that laws such as Magnuson-Stevens, the Marine Mammal Protection Act, Endangered Species Act and the National Environmental Policy Act are more than adequate to ensure protection of the natural resources with full transparency and access to stakeholders. He says the closed process being urged by environmentalist under the Antiquities Act is inadequate to the task.

The president did not go along with the environmentalists last fall, and it is our fervent hope that if he isn't advised by CEQ to pursue the more open process, the duty to represent and hear all stakeholders will prevail.

## MARINE MONUMENT: NEW BEDFORD MAYOR JON MITCHELL

# Restore access to process where fisheries are concerned

### Dear Director Goldfuss:

Thank you again for taking time in March to host a fisheries stakeholder meeting in New Bedford, and for meeting last week in Washington with regional fishermen and regulators to discuss the possible designation of a permanent marine monument in the Atlantic Ocean under the Antiquities Act.

As you heard in March and again last week, we have serious concerns about the impact a monument would have on the commercial fishing industry here in New Bedford, the nation's top grossing fishing port, as well as across the Northeast. We are also troubled by the possible precedent-setting effect of the contemplated executive action, which has not been subjected to the level of scrutiny ordinarily reserved for temporary ocean closures.

The Port of New Bedford and the industry that calls the port home have been active participants in the New England Fisheries Management Council and are directly affected by the decisions made by the NEFMC and NOAA Fisheries. The process is far from perfect, but it affords ample opportunity for stakeholders and the public alike to review and comment on policy decisions and for the peer reviewing of the scientific bases for those decisions. One of our major concerns is that the use of a parallel process, however

well-meaning, which has none of the checks and balances employed in the NOAA process, could leave ocean management decisions vulnerable to political considerations in the long run.

In the event the Administration proceeds with a monument designation, we strongly encourage the President to accept the guidance of the Atlantic States Fisheries Management Commission (ASFM) in May 2016. The Commission provided coordinates of a line seaward of the canyons that is acceptable to the industry.

We understand that as part of the designation, the CEQ is considering a moratorium on fishing in the water column above the monument. This possibility raises serious concerns for the pelagic fisheries, including swordfish and tuna fishermen and processors. We agree with the ASFM's assertion, that pelagic fishermen would have no impact on the integrity of the bathymetry and substrate that a monument would be meant to protect. While I disagree with fisheries management independent of the tried and true fisheries council process, the ASFM proposal is derived from fishermen who work in these areas, many of whom are homeported or serviced in New Bedford.

Moreover, we understand that CEQ may refuse to accept a monument (exclusively

situated) seaward of the nine-hundred meter contour line in the canyons. If this is the case, it could reduce the area actually fished by this important, sustainable fishery by as much as 30 percent. Given that the red crab fishery represents 8 percent of the 240 million pounds of seafood transported annually to New Bedford for processing, it inevitably will lead to job loss. We urge you to take seriously the good faith concerns of this fishery.

As we discussed in March, these deliberations around the monument designation would be facilitated by a proposal visually depicted on a map. That way, everyone would have a better understanding as to what the Administration has in mind. To our knowledge, if a proposal actually exists, it has not been shared with any of the stakeholders. Therefore, from our vantage point, anything is possible. With merely four months left in the current Presidential administration, we are becoming increasingly concerned that there will not be enough time for the robust stakeholder input that would be necessary and appropriate for a decision so permanent.

We stand ready to aid in the discussion of this important matter. Thank you for your consideration.

Sincerely,  
Jon Mitchell

## MARINE MONUMENT: MONTEREY MAYOR CLYDE ROBBERSON

# Better tools than Antiquities Act for ocean policy

### Dear Mr. President:

The City of Monterey has long supported the wise management of our coastal resources by federal and state agencies, including by the Monterey Bay National Marine Sanctuary and the Pacific Fishery Management Council. The City also supports its historic fishing community, as fishing remains important to Monterey, contributing strongly to the economy and culture of the region. The City supports publicly transparent, science-based processes in making ocean management decisions, such as the mandate embodied in the federal Magnuson-Stevens Fishery Conservation Act. The Magnuson Act (MSA) has a proven track record of success in ensuring the sustainability of our marine resources.

The MSA mandate provides for a fully transparent, scientific, peer-reviewed process, with thorough stakeholder involvement. These values — transparency and robust public participation — are also promises heralded in your Administration's National Ocean Policy Plan.

Thus it was with concern that we recently learned of a proposal to ask you to designate virtually all the offshore seamounts, banks and ridges

off California as monuments under the Antiquities Act, and to prohibit commercial fishing permanently. This proposal was developed without public knowledge or participation, much less scientific or economic review and analysis. Certainly there was no transparency.

If the proposed areas were irreversibly closed under the Antiquities Act, this action would be in direct conflict with both the bipartisan Congressional mandate of the MSA as well as your Administration's own ocean policies.

The areas identified in the proposal are indeed special places — they are rich in marine life and support valuable corals, sponges, and structures. If there are real threats to these areas, such threats and management measures should be considered — in a public process. The City commends the law enforcement efforts to enforce laws dealing with illegal fishing and other activities that might harm our bay, and this is not limited to protecting seamounts.

All these seamounts and banks also are important for fisheries. Tunas, swordfish, rockfish, spiny lobster, sea urchins, white sea bass and coastal pelagic species including mackerels, bonito

and market squid are fished in southern and central California. In northern California, albacore tuna and other species provide fishing opportunities to port-folio fishermen who, for the past few seasons, have been unable to rely on Chinook salmon and Dungeness crab fisheries. These offshore areas are critical to the fishing economy of California.

Precautionary policies and processes for management review, protecting marine resources and habitat, including deep-sea corals, already exist under the MSA, as well as other Congressionally mandated laws, such as the Marine Mammal Protection Act, Endangered Species Act, and the National Environmental Policy Act.

The City believes conservation of special areas and fishery management are best accomplished under the transparent, science-based policies embedded in the Magnuson Act. Use of the Antiquities Act cannot create the robust science and public process, including the concept of Marine Spatial Planning, so prominent in your National Ocean Policy.

Thank you for considering the view of the City of Monterey.

Clyde Roberson