



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

March 28, 2017

The Honorable Doug Lamborn
Chairman, Subcommittee on Water, Power, and Oceans
U.S. House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Lamborn:

Thank you for your invitation to submit testimony to the Subcommittee regarding the marine monument designation process. I regret that inclement weather prevented me from participating in person at the Subcommittee Oversight Hearing on March 15, 2017. I write today in response to the question you raise in your subsequent March 21, 2017 letter—

“Through the use of habitat amendments, closed areas, and fishery management plans, do you believe the regional councils have the tools available and the desire to balance ecosystem protection with economic productivity?”

Do you believe that these tools, when properly used by the Councils, can achieve the same goals of ecosystem protection [as] the Northeast Canyons and Seamounts Marine National Monument?”

Since I took office as Mayor of New Bedford nearly six years ago, I have had the opportunity to appear before the New England Fishery Management Council on numerous occasions regarding matters impactful to the Port of New Bedford, the nation’s leading commercial fishing port for the past sixteen years.

As a knowledgeable observer of the Council’s work and a participant in the Council’s processes, I believe I can offer the Subcommittee an informed, independent assessment of the institutional capacity of the Council, as well as remark on the manner in which it conducts its affairs.

On both these counts—and in response to your query—I would argue that the Council has both the resources and the approach necessary to achieve ecosystem protection (while balancing economic productivity) commensurate with any protections that could be pursued in conjunction with a monument designation under the Antiquities Act.

Moreover, I am convinced that the use of the processes established under the Magnuson Act are at least equal in their utility in protecting the marine environment as any monument designation; and in fact, Magnuson-based processes—like the Fishery Councils—are far superior.

I believe this to be the case because I have witnessed firsthand the strengths of the Fishery Council’s deliberative- and decision-making processes. As I recounted in my written testimony, while the Council process may not have, at times, produced specific policy outcomes sought by the Port of New Bedford and commercial fishing interests, the Council has generally demonstrated a commitment to:

- soliciting industry input,
- transparent deliberation,
- a structured approach that provides time for ample discussion,
- a reliance on peer-reviewed scientific research, and
- a willingness to revisit prior policy based on new information.

The processes used to develop the Northeast Canyons and Seamounts designation were in no way comparable on any of these metrics. My comparative confidence in the Council process is illustrated by two recent examples:

Mid-Atlantic Deep-Sea Coral Protection Area

A particularly remarkable conservation achievement under the Fishery Council process, is the Frank R. Lautenberg Deep-Sea Coral Protection Area which was designated by the Mid-Atlantic Fishery Management Council (MAFMC). This protected area, approved in a June 2015 MAFMC amendment and finalized by NOAA Fisheries and the MAFMC at the end of last year, covers over 38,000 square miles of federal waters off the Mid-Atlantic coast, an area roughly the size of Virginia.

Commercial fishermen provided extensive input to fisheries managers in a collaborative effort to close off the protected area to most types of bottom-tending fishing gear, such as trawls, dredges, bottom longlines, and traps. As the chairman of the MAFMC noted afterwards, this action brought together a broad range of stakeholders, including Council members, fishermen and industry representatives, scientists, and environmental groups, to reach a consensus on the boundaries of the protected area.

The area designated for protection was informed by research from NOAA and the Bureau of Ocean Energy Management, including deep sea surveys and the creation of a predictive deep sea coral habitat suitability model. Based on this information, the Council’s advisory panels, deep sea coral experts, and fishing industry members worked cooperatively to identify the boundaries of the protected area.

The resulting protected area was praised by environmentalists and fishermen alike. The Pew Charitable Trusts wrote that it would “cement a conservation legacy for the Mid-Atlantic,” while a representative of Mid-Atlantic commercial fishermen called the process a “model for developing targeted habitat protection.” Groups and individuals involved in the process won several awards including the Urban Coastal Institute Regional Champion of the Ocean Award, which was presented to the MAFMC.

New England Council Omnibus Habitat Amendment 2

Another example of the effectiveness of the Council process is the Omnibus Habitat Amendment 2 (OHA2) passed last June by the New England Fishery Management Council (NEFMC) and awaiting final approval by NOAA. Passed after more than a decade of work, OHA2 ensures that essential and vulnerable New England habitats, such as the Gulf of Maine, Georges Bank, and areas in the Great South Channel, are protected based on the most up-to-date science.

New technologies have allowed researchers to map and analyze the ocean floor, informing them about which areas of the seabed are most susceptible to harm from fishing gear, and which areas are hotspots for groundfish spawning. OHA2 incorporates this science, increasing the amount of overall habitat-specific protected areas in the region while opening up areas that are no longer considered important for successfully conserving fish stocks.

The development of OHA2 was deliberative and collaborative, with input from federal and state regulators, environmental groups, scientists and academics, and members of the fishing industry. This amendment has been carefully crafted to ensure that marine resources are better protected than ever, while helping those who make their living on the water.

I hope this response proves useful to you and Members of the Subcommittee in your continued deliberations. If there is any way I can assist the work of the Subcommittee in the future, please do not hesitate to contact me. Thank you again for your invitation.

Sincerely,



Jon Mitchell
Mayor