



2005 Market Street, Suite 2800
Philadelphia, PA 19103-7077

215.575.9050 Phone

901 E Street NW
Washington, DC 20004

202.552.2000 Phone

www.pewtrusts.org

July 26, 2017

The Honorable Wilbur L. Ross Jr.
Secretary of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

RE: Executive Order 13795: Implementing an America-First Offshore Energy Strategy

Dear Secretary Ross,

The Pew Charitable Trusts (Pew) appreciates the opportunity to comment on the ongoing review of national monuments and sanctuaries, including the Northeast Canyons and Seamounts Marine National Monument (NE Monument), as part of Executive Order 13795. The comments below are also directly relevant to Executive Order 13792 (“Review of Certain National Monuments Established Since 1996”). Pew is a 501(c)(3) non-profit organization that works in the United States and abroad with the goal of protecting special places in our oceans for future generations. Pew worked in coalition with scientists, business leaders, faith leaders, conservation groups, aquariums, and local elected officials in calling for the designation of the first ever marine national monument in the U.S. Atlantic exclusive economic zone (EEZ).

The NE Monument encompasses three canyons and four seamounts situated approximately 130 to 200 miles off of the coast of Cape Cod and Long Island, respectively. Within the NE Monument, a diversity of deep-sea coral species has been found. The area is also an established biodiversity “hotspot” for marine mammals, including the endangered right whale.¹ The NE Monument is the first and only marine national monument in the U.S. Atlantic EEZ and the only area off of the East Coast that is fully protected from all forms of commercial extraction. The NE Monument covers approximately 1.5% of the U.S. Atlantic EEZ, leaving approximately 98.5% of the EEZ open to some or all forms of commercial extraction.

The NE Monument was designated on September 15, 2016.² In the fourteen months prior to the designation, an extensive public process and comment period were undertaken, including events at New England Aquarium in Boston and Mystic Aquarium in Connecticut where more than 750 New Englanders were present to support the designation.^{3,4} More than 300,000 public comments supporting the designation were submitted to National Oceanographic and Atmospheric

¹ Kraus, S.D., P.J. Auster, J.D. Witman, B. Wikgren, M.P. McKee & R.W. Lamb. 2016. Scientific Assessment of a Proposed Marine National Monument off the Northeast United States. Science briefing for press and interested parties. Available at *ResearchGate*: DOI:10.13140/RG.2.1.1268.1360.

² [Presidential Proclamation: Northeast Canyons and Seamounts Marine National Monument](#). September 15, 2016.

³ [A Stroll through the New Northeast Canyons and Seamounts Marine National Monument](#). May 4, 2016.

⁴ [Mystic Aquarium Campaigns for Marine National Monument Designation in Region](#). July 27, 2016.

Administration (NOAA), including a letter signed by 145 marine scientists. A public hearing with more than 300 participants was held by NOAA in Providence, Rhode Island, and representatives of the Executive Branch of the Federal government travelled to meet with elected officials, commercial and recreational fishing businesses, fishing industry lobbyists and government relations specialists, fish processors, and other stakeholders.⁵ In addition, more than 225,000 Americans expressed their support for the NE Monument to the Department of Interior (DOI) during the public comment period recently concluded on July 10, 2017.

The original proposal for the NE Monument put forth by the coalition with whom Pew worked included five canyons, four seamounts, and an area in the Gulf of Maine known as Cashes Ledge. All told, the original proposed monument would have covered almost 6,300 square miles, including Cashes Ledge. Following the public process outlined above, the area was reduced to exclude Cashes Ledge and protect only three canyons and four seamounts. The NE Monument as designated encompasses only 4,913 square miles, a reduction of 22% of the area originally proposed.⁶

The area protected by the NE Monument was chosen in part because it has relatively little ongoing commercial resource extraction. Oil, gas, and mineral extraction operations are not present in the area. Only a small number of commercial fishing vessels (less than 10) currently derive a portion of their catch in the area. These deep-sea red crab and offshore lobster fishermen have the most significant presence among the commercial fisheries that have historically operated in the area, which is why they were given a seven year allowance to continue fishing in the NE Monument. This gives these vessels the time needed to relocate to neighboring fishing grounds, diversify their operations, or both. The reduction both in scope and size of the NE Monument comports with the Antiquities Act requirement to confine monuments to the smallest area compatible with the proper care and management of the objects to be protected.⁷

Importantly, however, there is a significant and growing likelihood that extractive activities will increase in number and intensity in the near future in the area of the monument. NOAA has found bottom trawling to pose the greatest threat to deep-sea coral ecosystems,⁸ and trawling is being prosecuted at deeper and deeper depths worldwide.⁹ Oil companies have expressed interest in conducting seismic testing to explore it for fossil fuel resources.¹⁰ It was only several decades ago that oil companies held leases on Georges Bank, where ten exploratory wells were

⁵ [FACT SHEET: President Obama to Continue Global Leadership in Combatting Climate Change and Protecting Our Ocean by Creating the First Marine National Monument in the Atlantic Ocean](#). September 15, 2016.

⁶ NOAA. [First marine national monument created in Atlantic](#). September 15, 2016.

⁷ American Antiquities Act of 1906. 16 USC 431-433.

⁸ NOAA Coral Reef Conservation Program. 2010. [NOAA Strategic Plan for Deep-Sea Coral and Sponge Ecosystems: Research, Management, and International Cooperation](#). Silver Spring, MD: NOAA Coral Reef Conservation Program. NOAA Technical Memorandum CRCP 11. 67 pp.

⁹ Costello, M.J. May 2015. [Biodiversity: The Known, Unknown, and Rates of Extinction](#). *Volume 25, Issue 9*, 4, Pages R368-R371.

¹⁰ Devin Henry, ["Trump proposes seismic tests for Atlantic oil drilling."](#) *The Hill*, June 5, 2017.

drilled from 1976 through 1982.¹¹ Canada has issued exploratory licenses to search for oil not far from the U.S./Canada oceanic border and has numerous offshore wells near Nova Scotia.¹² Interactions with protected, and in some cases endangered, marine mammals may be on the rise as well, with an increase in the numbers of whales entangled in fishing gears.¹³ These and other extractive activities like seabed minerals mining and submarine cable/pipeline deployment represent potential future threats to the ecosystems now protected by the monument.

The Northeast Canyons and Seamounts Marine National Monument is considered by stakeholders and scientists alike to be relatively pristine and ecologically intact. Data show that the area is among the least fished in the region. Although the NE Monument encompasses only approximately 1.5% of U.S. federal waters along the East Coast, scientists have stated that protecting it will make a large contribution to the overall health and productivity of the Atlantic, with a minimal economic cost.¹⁴ As human activities reach deeper and deeper into the sea, it is important to have places that serve as reservoirs of genetic diversity for the future. Protected places can act as reference areas for how ecosystems function in the absence of human disturbance. Additionally, scientific study has proven that species in protected areas spread, or “spill over,” beyond their borders to repopulate nearby areas.¹⁵

For all of these reasons, Pew supports the retention of the NE Monument with no changes either to the boundaries or activities permitted within those boundaries.

Sincerely,



Thomas A. Wathen
Vice President, Environment Americas
The Pew Charitable Trusts

¹¹ Minerals Management Service, *Georges Bank Petroleum Exploration* (U.S. Department of the Interior, 2000).

¹² Province of Nova Scotia. April 24, 2015. [Nova Scotia Onshore and Offshore Rights](#).

¹³ Marine Mammal Commission. April 19, 2017. [Letter to Mr. Samuel D. Rauch III, Acting Assistant Administrator for NOAA Fisheries](#).

¹⁴ S.D. Kraus, *et al.* 2016. DOI:10.13140/RG.2.1.1268.1360.

¹⁵ For example, see: Hilborn, R. *et al.* 2004. When can marine reserves improve fisheries management? *Ocean & Coastal Management*, 47(3–4), 197–205.; and Murawski, S.A. *et al.* 2005. Effort distribution and catch patterns adjacent to temperate MPAs. *ICES Journal of Marine Science*, 62: 1150e1167.