



New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

June 29, 2017

Mr. John Armor, Director
NOAA Office of National Marine Sanctuaries
1305 East-West Hwy, 11th Floor
Silver Spring, MD 20910

Dear Mr. Armor:

Please accept these comments from the New England Fishery Management Council (Council) regarding the candidate National Marine Sanctuary in the waters in and around Hudson Canyon.

The Council has management jurisdiction over 28 marine fishery species in federal waters of the New England region. The distributions of many of these species and the fisheries that harvest them extend beyond New England. Of particular note in this context is the scallop fishery, which is prosecuted inshore of Hudson Canyon, and in other areas of the Mid-Atlantic Bight, Georges Bank, and in the Gulf of Maine. Additional resources managed by the Council and harvested inshore of Hudson Canyon include monkfish and whiting. To understand fisheries uses of Hudson Canyon, we strongly encourage the Office of National Marine Sanctuaries to consult with both the New England and Mid-Atlantic Fishery Management Councils as well as directly with the fishing industry. We are happy to provide specific contacts and suggestions as needed. While the ocean data portals (www.northeastoceandata.org; <http://midatlanticocean.org/data-portal/>) are extremely useful sources of information about marine uses, these should be taken as a starting point for understanding patterns of fishing effort.

The Council is a steward of the species that we manage and the habitats that support them, and is certainly in support of the research, education, and conservation objectives associated with sanctuaries, including the one proposed here. In fact, we are finalizing an amendment that will provide protection for deep-sea corals as well as other canyon invertebrates and fisheries in the New England region, so we fully understand the ecological value of coral habitats such as those in Hudson Canyon in terms of supporting healthy fisheries. We are aware of the fragility of these habitats. Our Omnibus Essential Fish Habitat Amendment, which is currently undergoing rulemaking, designates a Habitat Area of Particular Concern (HAPC) in Hudson Canyon, on the basis of the area's ecological significance and the potential for human activities to affect the canyon. While the HAPC designation does not carry any fishing restrictions, it is intended to highlight the habitat value of the canyon in terms of consultations on non-fishing projects and their impacts. As you know, there are fishery restrictions in the canyon associated with the Mid-Atlantic Fishery Management Council's Frank R. Lautenberg deep-sea coral protection area, which went into effect this past January.

We recognize that this proposal currently has candidate status, and there is a five-year timeframe over which it might be moved into the designation process. We understand that sanctuary designation involves substantial outreach and opportunities for public involvement. However, we remain concerned about the potential for a sanctuary to negatively impact the fishery

management process. While the stated intention of the proponents is that management of fishery resources will remain solely with the Councils and the National Marine Fisheries Service (NMFS), this cannot be guaranteed. Also, we understand that periodic reviews of the designation could change the terms. Even if management is left to the Councils and NMFS via the terms of the designation, as noted by the Mid-Atlantic Fishery Management Council in their April 26 letter, section 304(a)(5) of the National Marine Sanctuaries Act states that the Council's management proposals may not be accepted if the Secretary of Commerce finds that the Council's action "fails to fulfill the purpose and plies of the Act and the goals and objectives of the proposed designation".

New England has a national marine sanctuary located on Stellwagen Bank, and the Council is involved with the Sanctuary as an ex-officio member on the Sanctuary Advisory Council. While the designation letter for Stellwagen Bank National Marine Sanctuary does not grant it management authority over fisheries resources, the Sanctuary often takes positions that attempt to limit commercial and recreational fishing within its boundaries. The Sanctuary has also commented on proposed fishery management actions, causing confusion among our stakeholders as to the opinion of the ultimate reviewer of Council proposals, the Secretary of Commerce. At times, we received conflicting comments from the Sanctuary and our fishery management colleagues at NMFS Greater Atlantic Regional Fisheries Office. Many fishermen believe that the Sanctuary is actively trying to limit their activities in this historic fishing area, despite promises that were made when the Sanctuary was designated.

Fishery management via the Council process is complex and often contentious, but also transparent and inclusive of public participation. We feel that the best approach to fisheries regulation is the Council process, and we are concerned that this process could be compromised if another management entity has authority over fisheries in and around the canyon. We are not prepared to recommend against designation of a National Marine Sanctuary in Hudson Canyon at this time. However, we request that you keep us up to date on any plans to move this candidate proposal into the designation stage, and consult with both of the regional fishery management councils to gain a comprehensive understanding of fisheries in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Quinn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. John Quinn
Council Chairman

cc: Mr. Chris Oliver
Dr. Chris Moore, MAFMC