



July 7, 2017

Honorable Wilbur Ross
Secretary of Commerce
E.O. 13795 Review
National Oceanic and Atmospheric Administration
Silver Spring Metro Campus Building 4 (SSMC4)
Eleventh Floor, 1305 East-West Highway
Silver Spring, MD 20910

Re: NOAA-NOS-2017-0066

Dear Secretary Ross:

At a recent meeting, the Public Lands Conservancy's Board and members expressed their opposition to any alteration to the size and scope of any of the 11 marine monuments and sanctuaries under review. Many of us supported the expansions and designations during the public review process. We are extremely disappointed that President Trump has signed an executive order that attempts to undermine our national monuments and marine sanctuaries and the former designation and public review process.

Based on recent published legal reviews, we believe no president currently has the legal authority to eliminate or significantly alter a national monument. Only Congress has the authority to abolish or diminish a national monument. Like our iconic national parks and other public lands, our marine national monuments and sanctuaries are critical to the long-term health of ocean systems.

Boris Worm et al in a published peer review paper reviewing the status of oceans systems conclude the state of oceans is dire unless marine systems are properly managed. Marine protected areas have now been shown in peer reviewed studies to improve species protection and ecosystem biodiversity. Worm's paper collected data from many sources and indicated the following:

"Human-dominated marine ecosystems are experiencing accelerating loss of populations and species, with largely unknown consequences. We analyzed local experiments, long-term regional time series, and global fisheries data to test how biodiversity loss affects marine ecosystem services across temporal and spatial scales. Overall, rates of resource collapse increased and recovery potential, stability, and water quality decreased exponentially with declining diversity. Restoration of biodiversity, in contrast, increased productivity fourfold and decreased variability by 21%, on average. We conclude that marine biodiversity loss is

increasingly impairing the ocean's capacity to provide food, maintain water quality, and recover from perturbations. Yet available data suggest that at this point, these trends are still reversible." (Boris Worm et al, Impacts of Biodiversity Loss on Ocean Ecosystem Services, Science, 2006)

Each of the monuments that were designated or expanded have substantial and well documented scientific interest and outstanding cultural and historic values, including perpetuating ongoing cultural connections, as required by the 1906 Antiquities Act. Each monument underwent a long and intensive public process, including consultation with other agencies and affected parties.

For example, the Papahānaumokuākea and the Pacific Remote Islands Marine National Monuments hold significant spiritual, cultural and historical significance and ongoing cultural connections.

Papahānaumokuākea is extremely important to Native Hawaiians with significant sites already on the National Register of Historic Places. Both monuments played a role during WWII, specifically at the pivotal Battle of Midway. During WWII, the Wake Atoll was overtaken by Japanese soldiers from 1941-45.

Prior to its expansion in 2016, the Papahānaumokuākea "more than "135 community meetings were held across the state by supporters and nearly 1.5 million letters and petitions in support of the expansion were submitted, including 8,100 hand-signed petitions and 3,600 online petitions from Hawaii constituents."

During the public comment period for the Pacific Remote Islands Monument "1,500 Hawaii residents wrote letters of support letters, complemented by one million letters of support from around the world including more than 135,000 U.S. citizens. More than 200 scientists who have worked in the Pacific, 200 Pacific practitioners, 30 Hawaii non-profits, and 35 Hawaii businesses, signed on to letters of support."

Each of the national marine sanctuaries under review met the criteria of the Marine Sanctuaries Act and underwent substantial public review. The National Marine Sanctuaries Act (NMSA) gave NOAA the authority to expand national marine sanctuaries to meet the purposes and policies of the NMSA, including:

"... to provide authority for comprehensive and coordinated conservation and management of these marine areas [national marine sanctuaries], and activities affecting them, in a manner which complements existing regulatory authorities (16 U.S.C. 1431(b)(2)); [and]

to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations and ecological processes . . ."

For example, Cordell Banks and Gulf of the Farallones National Marine Sanctuaries public discussions and review process regarding expansion date back to the 2001 Joint Management Plan review where the public commented about possible expansions. In addition, since 2003, sanctuary advisory councils for both national marine sanctuaries have regularly discussed and supported boundary expansion northward and westward at public advisory council meetings. In turn, public scoping meetings were held regarding

expansion ideas in 2012-2013. These public meetings were robustly attended and NOAA received over 300 written statements, in addition to public oral comments.

Both expansions protect and contain extensive biodiversity and critical ecological processes as required by the National Marine Sanctuary Act. They also provide the comprehensive management to protect these unique, but threatened systems.

The expansion areas have unprecedented cultural, biodiversity, historic, ecological, and natural values. For both marine sanctuaries these values are well documented in the Proposed Rule (Federal Register Notice 2014-08061).

“The proposed expansion area, from the upwelling off the Point Arena coast and the waters south to GFNMS and CBNMS, is an integral geographic component of the overall marine ecosystem for these sanctuaries. The upwelled water, rich with nutrients, that flows from the Point Arena upwelling center is the regional ecosystem driver for productivity in coastal waters of north-central California. Flowing south from Point Arena, the area supports a marine food web made up of many species of algae, invertebrates, fish, seabirds, and marine mammals. Some species are transitory, travelling hundreds or thousands of miles to the region, such as endangered blue whales, albatross, shearwaters, king salmon, white and salmon sharks, while others live year round in the sanctuaries, such as Dungeness crab, sponges, other benthic invertebrates and many species of rockfish. Of note, the largest assemblage of breeding seabirds in the contiguous United States is at the Farallon Islands, and each year their breeding success depends on a healthy and productive marine ecosystem to allow nesting adults and fledgling young to feed and flourish. Given that these sensitive resources are particularly susceptible to damage from human activities, including this area within CBNMS and GFNMS would conserve and protect critical resources by preventing or reducing human-caused impacts such as marine pollution, and wildlife and seabed disturbance.

In addition, the proposed action would protect significant submerged cultural resources and historical properties, as defined by the National Historic Preservation Act and its regulations (historical properties include but are not limited to: Artifacts, records, remains related to or located in the properties and properties of traditional religious and cultural importance to an Indian tribe and that meet the National Register criteria). There are several existing state and federal laws that provide some degree of protection of historical resources, but the State of California regulations only extend 3 nautical miles offshore and existing federal regulations do not provide comprehensive protection of these resources. Records document over 200 vessel and aircraft losses between 1820 and 1961 along California's north-central coast from Bodega Head north to Point Arena. Submerged archaeological remnants related to a number of former doghole ports, are likely to exist in the area. Doghole ports were small ports on the Pacific Coast between Central California and Southern Oregon that operated between the mid-1800s until 1939. Such archaeological remnants could include landings, wire, trapeze loading chutes and offshore moorings.”

All of the 11 marine monuments and sanctuaries have well documented ecological, biological and biodiversity values. These values are well documented in Final Rules or in Presidential Proclamations. Some examples are cited below.

The Papahānaumokuākea expansion area's extensive values are described in the Presidential Proclamation.

“As required by the Antiquities Act, the adjacent area contains objects of historic and scientific interest that are situated upon lands owned or controlled by the Federal Government; they are geological and biological resources that are part of a highly pristine deep sea and open ocean ecosystem with unique biodiversity and that constitute a sacred cultural, physical, and spiritual place for the Native Hawaiian community.

This unique ecosystem has many significant features. Important geological features of the adjacent area include more than 75 seamounts, as well as a non-volcanic ridge that extends southwest towards the Johnston Atoll. Together, these features form biodiverse hotspots in the open ocean that provide habitat for deep-sea species, including sponges, other invertebrates, fish, and colonies of corals many thousands of years old. Recent science demonstrates that seamounts harbor a multitude of species with unique ecological traits, some newly discovered. Seamounts, ridges, and other undersea topographic features are important stepping stones that enable marine organisms to spread throughout the Hawaiian Archipelago, and between Hawaii and other archipelagoes. Undisturbed seamount communities in the adjacent area are of significant scientific interest because they provide opportunities to examine the impacts of physical, biological, and geological processes on ecosystem diversity, including understanding the impacts of climate change on these deep-sea communities. These seamounts and ridges also provide the opportunity for identification and discovery of many species not yet known to humans, with possible implications for research, medicine, and other important uses.” (Presidential Proclamation 8031)

The Marianas Trench Presidential Proclamation summarizes the enormous values of the area:

“The waters of the archipelago's northern islands are among the most biologically diverse in the Western Pacific and include the greatest diversity of seamount and hydrothermal vent life yet discovered. These volcanic islands are ringed by coral ecosystems with very high numbers of apex predators, including large numbers of sharks. They also contain one of the most diverse collections of stony corals in the Western Pacific. The northern islands and shoals in the archipelago have substantially higher large fish biomass, including apex predators, than the southern islands and Guam. The waters of Farallon de Pajaros (also known as Uracas), Maug, and Asuncion support some of the largest biomass of reef fishes in the Mariana Archipelago. These relatively pristine coral reef ecosystems are objects of scientific interest and essential to the long-term study of tropical marine ecosystems. The Rose Atoll is one of the most pristine atolls in the world, supporting a dynamic reef ecosystem that is home to a diverse assemblage of marine species. It provides isolated nesting grounds for green and hawksbill turtles, and species that have faced depletion elsewhere are found in abundance at Rose Atoll, including giant clams, Maori wrasse, large parrotfishes, and reef sharks.” (Presidential Proclamation 8335)

The Rose Atoll National Monument Proclamation articulates the unique values of this area.

“One of the most striking features of Rose Atoll is the pink hue of fringing reef caused by the dominance of coralline algae, which is the primary reef-building species. Though there are roughly 100 species of stony corals, the shallow reefs are dominated by crustose coralline algae, making them distinctive and quite different from those found at other Samoan islands. The marine area provides isolated, unmolested nesting grounds for green and hawksbill turtles and has the largest number of nesting turtles in American Samoa. Its waters are frequented by numerous large predators: whitetip reef sharks, blacktip reef sharks, gray reef sharks, snappers, jacks, groupers, and barracudas. Species that have faced depletion elsewhere, some of which have declined worldwide by as much as 98 percent, are found in abundance at Rose Atoll, including giant clams, Maori wrasse, large parrotfishes, and blacktip, whitetip, and gray reef sharks. Humpback whales, pilot whales, and the porpoise genus *Stenella* have all been spotted at Rose Atoll. There are 272 species of reef fish, with seven species first described by scientists at Rose and dozens more new species discovered on the first deep water dive to 200 meters. Recent submersible dives around Rose Atoll have revealed abundant marine life, deep sea coral forests, and several new fish and invertebrate species.” (Presidential Proclamation 8337)

We strongly recommend the protections for the marine monuments and sanctuaries remain in place, forever, for all people, for all time. They embody nationally significant natural values, outstanding recreation and educational opportunities, continue important cultural connections, and protect cultural features such as shipwrecks and artifacts. The scientific value is unsurpassed.

Again, we are strongly opposed to any attempt to rescind or alter the size of any one of our country's established marine national monuments and sanctuaries. Years of hard work and important discussion went into the making of each of these monuments and sanctuaries and should not be discounted. We appreciate your consideration of our comments.

Sincerely,



Thomas Baty
President, Board of Directors

Cc:

Honorable Kamela Harris, United States Senate
Honorable Dianne Feinstein, United States Senate
Honorable Maria Cantwell, United States Senate
Honorable Lisa Murkowski, United States Senate
Honorable Jared Huffman, United States House of Representatives
Honorable Rob Bishop, United States House of Representatives
Honorable Tom McClintock, United States House of Representatives