



**Written Testimony of New Bedford Mayor Jon Mitchell
On Behalf of the National Coalition for Fishing Communities**

**Before the U.S. House Committee on Natural Resources
Subcommittee on Water, Power, and Oceans
Wednesday, March 15, 2017**

Thank you, Chairman Bishop and members of the Committee. My name is Jon Mitchell. I am the Mayor of New Bedford, Massachusetts, the nation's top-grossing commercial fishing port for the past sixteen years. I'm pleased to testify today as mayor, and on behalf of the National Coalition for Fishing Communities, of which New Bedford is a leading member.

I would like to submit my written testimony for the record, and use my time this morning to offer my perspective on the designation of permanent marine monuments under the Antiquities Act.

The National Coalition for Fishing Communities

Commercial fishing is a vital business for the nation's coastal communities, employing tens of thousands of people and generating billions of dollars in revenue. The Port of New Bedford, for example, generates \$9 billion in direct and indirect economic output annually.

Despite these significant economic contributions, in recent decades, fishermen and fishing communities have lacked the ability to effectively communicate industry concerns to the public at large, and in Washington. On issues vital to their livelihood, they often compete directly with well-funded and well-coordinated non-government organizations.

Recognizing the need for better communication, in 2009, the non-profit Saving Seafood was created by a small group of New Bedford-based industry leaders to report and aggregate news and information for our domestic harvesters and processors. The first major reporting effort of Saving Seafood led to the exposure and correction of problems in NOAA Fisheries' law enforcement division.

Saving Seafood demonstrated the value of educating policy-makers and the public about developments in the fishing industry, and that led, in turn, to the formation in 2015 of the National Coalition for Fishing Communities.

The Coalition's mission is to be a voice for the communities that depend on commercial fishing so that policy-makers and the public hear directly from those whose lives and livelihoods are at stake.

As the nation's number one fishing port, New Bedford has a history of very active engagement on policy matters before NOAA, Capitol Hill, and in the White House. That is why the City decided to take a leadership role in founding the Coalition, and provided the initial seed grant which enabled its creation.

Today the Coalition is comprised of dozens of fishing businesses and organizations with deep roots in port communities across country, from New England to the Gulf of Mexico to California to Hawaii. Our members represent many of the country's most valuable fisheries, like the Atlantic sea scallop, red crab, lobster, tuna and swordfish, to name just a few.

One of the Coalition's first priorities has been to communicate the growing concerns of its members over insufficient consultation in the designation of marine monuments, including the expansion of monuments around Hawaii, proposed monuments off the coast of California, and the newly created monument off the coast of New England.

The Coalition has brought these concerns to the press and public. We have worked to inform members of Congress. We have been pleased, for example, to host Chairman Bishop during his recent visit with affected fishermen in New Bedford. And we have facilitated several meetings between industry and the White House Council on Environmental Quality (CEQ).

Marine Monument Concerns

The port communities represented by the Coalition have serious concerns about the impacts that monuments have had, and may continue to have, on the U.S. commercial fishing industry. These concerns take two forms: (1) poorly conceived terms of particular monument designations, and (2) more fundamental concerns with the process itself.

We in New Bedford have been especially troubled by questionable terms of recent Northeast Canyons and Seamounts Marine Monument designation.

This designation, the first in the Atlantic Ocean, was adopted without even the base level of scrutiny conducted for *temporary* ocean closures. For example, with little advance warning, our red crab industry lost access to large swaths of its historically most productive fishing grounds.

The red crab fishery represents nearly 10% of the 240 million pounds of seafood transported annually to New Bedford for processing, so this term of the monument designation has been particularly impactful.

The Atlantic monument designation also established a moratorium on fishing in the water column above the monument seabed. This approach was of serious concerns for our pelagic fisheries, including swordfish and tuna fishermen and processors. Pelagic fishermen have no impact on the integrity of the bathymetry and substrate that a monument is meant to protect, so we question the underlying basis for this particular restriction.

I offer these two local examples as illustrative of a longer list of poorly conceived monument terms that have had unnecessary and harmful impacts in fishing communities nationwide.

In addition to the New England and Mid-Atlantic fishermen impacted by the Atlantic designation, Coalition members around the country have experienced their own harm from recently designated monuments. Others fear the effects of proposed monuments.

In Hawaii, previous administrations created and then expanded the largest marine protected area in the world, the Papahānaumokuākea Marine National Monument, which is now more than twice the size of Texas. Hawaii longline fishermen who depend on access to those waters are being pushed further into the open ocean to catch species like bigeye tuna, often in competition with foreign fishermen.

Another monument, the Pacific Remote Islands Marine National Monument, also bars Hawaii fishermen from large swaths of the U.S. exclusive economic zone.

On the West Coast, monument proposals surfaced last year that would have declared virtually all offshore seamounts, ridges, and banks off the California coast as marine monuments, permanently closing those areas to commercial fishing.

Such closures would have resulted in economic devastation for California fishermen and the communities that rely on the sustainable catch of albacore tuna, mackerel, market squid, and numerous other important species. These communities continue to be concerned that any president has the power to take these valuable grounds away from them with just the stroke of a pen.

But simply pointing out instances where the monument process got it wrong, misses the larger issue, which is this:

The monument designation process has evolved effectively into a parallel, much less robust fishery management apparatus that has, to date, been conducted, in all essential respects, entirely independent of the tried and true Fishery Management Council process provided for under the Magnuson Act.

And that is precisely why, I would suggest, the monument designation process has consistently led to less than optimal policy outcomes.

It lacks sufficient amounts of all the ingredients that good policy-making requires: Scientific rigor, direct industry input, transparency, and a deliberate pace that allows adequate time and space for review.

This is especially troubling given that, unlike the ordinary regulatory determinations made under Magnuson, monument designations under the Antiquities Act are by definition *permanent*.

I want to be clear on this--The designation process is not lacking because the agency staff, principally the White House CEQ, didn't work hard at their assignment. The officials involved with the Atlantic monument designation with whom I interacted were all, to a person, earnest, professional, and well-intentioned. But they were operating without a solid, consistent procedural framework and they lacked the resources and familiarity with commercial fishing operations necessary to do their task justice.

In contrast, the Fishery Management Council process is far from perfect, but it affords ample, structured opportunities for stakeholders and the public alike to study and comment on policy decisions and for the peer reviewing of the scientific bases for those decisions.

For its part, the Port of New Bedford has been an active participant in the New England Fishery Management Council. Our fishing interests are directly affected by the decisions made by the New England Fishery Management Council and NOAA Fisheries, and we don't hesitate to use the Council process to challenge regulatory approaches with which we disagree.

That said, there is a process in place that allows industry concerns to be aired; a process in place for revisiting management decisions to account for new data; and a process in place that, at its best, finds creative policy solutions that respect the interests of competing stakeholders.

I would argue that the continued use of a parallel process outside Magnuson, outside the Management Councils--however well-meaning--ultimately works against the long-run interests of *all* stakeholders.

We all lose when the checks and balances employed in the NOAA process are abandoned. A decision-making process driven by the simple assertion of executive branch authority ultimately leaves ocean management decisions permanently vulnerable to short-term political considerations. Such an outcome is cause for deep concern no matter one's position in the current policy debates.

So I encourage the Committee to explore ways to integrate the executive branch's monument authority with proven processes established under the Magnuson Act.

This Congress has an important opportunity to restore the centrality of Magnuson's Fishery Management Councils to their rightful place as the critical arbiters of fisheries management matters.

Doing so would give fishing communities much more confidence in the way our nation approaches fisheries management. And it could give the marine monument designation process the credibility and acceptance that it regrettably lacks today.