

House Natural Resources - Water, Wildlife and Fisheries Subcommittee
May 16, 2024 Oversight Hearing: *President's FY25 Budget Proposal for NOAA*
Questions for the Record Submitted to the Honorable Dr. Richard Spinrad

Questions from Rep. Radewagen

- 1. On February 20 during a meeting at the Marriot hotel with Governor Lemanu and Congresswoman Radewagen, Assistant Secretary Bavishi agreed there was an "unusual process here" as to the rapidity of this PRIM NM/Sanctuary designation process being conducted; do you agree with the Assistant Secretary's observation that this PRIMNM Sanctuary designation has been an "unusual process here"?**

NOAA Response:

The NMSA authorizes the Secretary of Commerce to designate, manage, and protect as a national marine sanctuary any area of the marine environment that is of special national significance due to its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities ([16 U.S.C. 1431 et seq.](#)). Sanctuaries may be designated by Congress or administratively by NOAA. When a sanctuary is administratively designated by NOAA, NOAA is required to follow the procedures for designation outlined in Section 304 of the NMSA.

In recent years, NOAA has typically initiated sanctuary designation processes after a successful nomination of the potential sanctuary through the Sanctuary Nomination Process, which NOAA established in 2014. Notwithstanding this recent practice, the Secretary retains authority to initiate other sanctuary designation processes under the NMSA, provided that such processes meet the purposes and policies of the NMSA. In the case of this proposed sanctuary, President Biden issued a [Presidential Memorandum](#) on March 24, 2023, on “Conserving the Natural and Cultural Heritage of the Pacific Remote Islands,” which directed the Secretary of Commerce to consider initiating designation of a national marine sanctuary pursuant to the NMSA “to provide the most comprehensive and lasting protections to the significant natural and cultural resources of the submerged lands and waters surrounding the seven islands, atolls, and reefs of the Pacific Remote Islands Marine National Monument — both within and outside the Monument boundary, to the full extent of the seaward limit of the United States Exclusive Economic Zone (EEZ) — including marine life, shoals, seamounts, reefs, banks, and sediments high in minerals and sequestered carbon dioxide for the benefit of present and future generations.”

NOAA has carried out the designation process in accordance with Section 304 of the NMSA and the NEPA. This process is, by law, highly public and participatory.

- 2. Members of The Pacific Remote Islands Coalition stated in meetings March 7 with my Congressional staff that their clear goal is to kill all purse seine fishing and shutdown the cannery in American Samoa in pushing for the PRIMNM/Sanctuary designation they have been lead sponsor for, do you agree with the Pacific Remote Islands Coalitions sponsors goals to shut down our cannery in American Samoa?**

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NOAA Response:

During public scoping for the sanctuary designation process for the Pacific Remote Islands, NOAA provided opportunities for public comment, conducted proactive outreach, and engaged extensively with elected leaders of American Samoa, including your office and the office of Governor Lemanu P. S. Mauga. NOAA initiated these requests for input because we value and seek to consider the importance of fishing to the culture and economy of American Samoa and the significant role that the tuna cannery plays in the economy of the island. NOAA is currently preparing the draft sanctuary designation documents, which include a proposed rule, draft management plan, and draft environmental impact statement (EIS). In accordance with NEPA, NOAA's draft EIS will identify a reasonable range of alternatives to meet the goals and objectives for the proposed sanctuary designation, and we will again seek public input on these alternatives. Additionally, pursuant to NMSA section 304(a)(5), NOAA has provided the Western Pacific Regional Fishery Management Council with the opportunity to prepare, for NOAA's consideration, draft fishing regulations that may be necessary to implement the proposed sanctuary designation.

- 3. The CEQ, under the Executive Office of the President is the policy agency for environmental impact statements which drive most decisions made by the Executive branch. I understand the 2nd draft EIS for the PRI Sanctuary has been written and is being reviewed by NMFS and other agencies. When will the draft be made public and does it include options for commercial fishing?**

NOAA Response:

NOAA is currently preparing the draft sanctuary designation documents for Pacific Remote Islands, which include a proposed rule, draft management plan, and draft EIS. In accordance with NEPA, NOAA's draft EIS will identify a reasonable range of alternatives. Following clearance by OMB's Office of Information and Regulatory Affairs (OIRA) under the E.O. 12866 process, the draft designation document would be released for public comment. NOAA would then plan to convene public meetings in Hawai'i, American Sāmoa, Guam, and the Commonwealth of the Northern Mariana Islands to share the details of and solicit public comments on the proposed sanctuary.