

Testimony of Captain Marty Scanlon  
President,  
Blue Water Fishermen's Association

Legislative Hearing before the House Committee on Natural Resources  
Subcommittee on Water, Wildlife, and Fisheries

June 3, 2026

---

Chair Hageman, Ranking Member Hoyle, distinguished Members of this Subcommittee - and especially Congresswoman Radewagen - thank you for holding this hearing to consider this incredibly important bill - H.R. 8904: *"To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for the regulation of fishing in marine national monuments."*

I am Marty Scanlon, Captain of the *Provider II*, a 43-foot pelagic longline vessel targeting highly migratory swordfish and tunas. I started pelagic longlining in 1985, and I've had the privilege of serving our industry for the past 10 years as President of the Blue Water Fishermen's Association (BWFA) which represents pelagic longline fishermen operating from states throughout the Atlantic and Gulf of America.

I have fished in the Northeast Canyons and Seamounts Marine National Monument area long before it was established, after it was established and reopened to my fishery by President Trump, and I plan to fish there again later this year. It has been a very important part of my fishing strategy which, depending on the season, extends from the Monument area south to offshore of the Carolinas.

I have for decades also contributed substantially to the scientific research and management of our fishery and the species we catch. I have served for more than 20 years on the NOAA Pelagic Longline Take Reduction Team, and for many years on the Highly Migratory Species Advisory Panel which advises NOAA on the management of our fishery. I am deeply committed to doing what it has taken to achieve the goal of our fishery becoming the most sustainable of its kind in the world.

As you well know, President Obama established the Monument on September 15, 2016, by proclamation that immediately prohibited Pelagic Longline fishing within the Monument. President Trump re-opened the Monument to our fishery on June 5, 2020, but before our fishery was able to get back on its feet, President Biden reversed President's Trump's Proclamation on October 8, 2021, and reimposed a prohibition on Pelagic Longline fishing in the Monument. After another more than 4 years of closure, President Trump once again restored our fishery's access to the Monument on February 6, 2026.

As I will explain, closing the Monument to the Pelagic Longline fishery pursuant to the Antiquities Act makes no conservation sense and, in fact, has served to undermine conservation. And, of course, it has had profound negative economic consequences for our fishery – the fishermen and their families, the shoreside businesses that purchase and process our catch and supply and service our vessels, and on our fishery communities. Frankly, trying to manage our

fishery under the Antiquities Act instead of the Magnuson-Stevens Act has been a disaster for both the fish and our fishermen.

### **Conservation Considerations**

Closing the Monument to our fishery does not advance conservation. In fact, it undermines it. Our fishery operates in only the near-surface waters where its gear is set at a maximum depth of perhaps 20-30 meters when in the Monument area. As described by NOAA, the Canyons section of the Monument extends from depths of 200 meters to thousands of meters, while the top of the Seamounts range in depth from 1000-2000 meters in depth. Consequently, this fishery has zero impact on the deep-sea benthic ecosystem, including deep-sea corals, found in these canyons and seamounts.

Further, our fishery targets highly migratory species of finfish such as tunas and swordfish that, unlike the demersal species found in this region, travel rapidly and widely throughout this region and throughout the Atlantic Ocean. These species migrate many thousands of miles on an annual basis and are caught in the fisheries of dozens of other nations. These fish do not reside within the Monument boundaries but spend time there only temporarily as a reflection of highly dynamic oceanographic and ecological conditions. Given this unique life-history, the Monument simply does not contribute to the conservation of these species.

Instead, our fishery, and the highly migratory fish stocks it targets, are the subject of intensive science-based international management and enforcement regime through the International Commission for the Conservation of Atlantic Tunas (ICCAT) involving more than 60 fishing nations. Unlike the non-transparent Antiquities Act process which substantially limits our participation in decision-making, our fishermen actively contribute to scientific research that supports the ICCAT scientific process and actively participate in the U.S. ICCAT management process.

In addition, our fishery, those fish stocks we target, and those protected species with which we interact incidentally, are also managed intensively domestically pursuant to multiple statutory authorities including the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the Endangered Species Act, and the Marine Mammal Protection Act. Unlike other U.S. fisheries subject to the Regional Council process, this fishery is uniquely managed and closely monitored directly by the Secretary of Commerce through the NOAA Highly Migratory Species Division.

Pursuant to the Magnuson-Stevens Act, I and several of my industry colleagues have served for many years on the Highly Migratory Species Advisory Panel which has given us the opportunity to provide extensive inputs on science and management to NOAA. Again, this is in stark contrast to the non-transparent, non-scientific and far less accessible process I have personally experienced when the Monument has been closed using the Antiquities Act.

Still further, pursuant to the Marine Mammal Protection Act, I and several of my industry colleagues have also served for more than 20 years on the NOAA Pelagic Longline Take Reduction Team through which we, in partnership with representatives of environmental organizations, have developed and continually update a highly effective Take Reduction Plan for our fishery.

Our fishery remains the most sustainable of its kind in the world – but that is in no way thanks to the Antiquities Act.

And, it's not just participating in meetings. Operationally, the entire U.S. Atlantic Pelagic Longline fleet is held accountable at an unmatched level for its target catch and bycatch through 100% Vessel Monitoring System coverage, 100% electronic monitoring (video cameras) coverage, as well as human observer coverage. Further, working with many scientists and managers, we have developed a highly effective strategy to minimize bycatch and bycatch mortality through the use of large circle hooks, 'weak hooks', monofilament leaders, innovative, life-saving gear configurations, and cooperative bycatch hotspot avoidance measures.

Again, the reality is that our fishery is already the most sustainable of its kind in the world pursuant to the highly effective science and management regimes of ICCAT and the suite of domestic statutes including, most importantly, the Magnuson-Stevens Act. This reality has not and never will be advanced in any way by using the Antiquities Act to prohibit our fishery from operating within the Monument boundaries. Quite the opposite; the Antiquities Act subverts this highly effective and transparent process to the great detriment of our fishery.

And, in fact, the perverse reality is that the Monument's biologically irrelevant boundaries actually serve to undermine that conservation and promote illegal fishing. These boundaries displace our fishery, forcing us to fish where and when we cannot avoid interacting with protected species and, thus, increasing the likelihood of bycatch injuries and mortalities.

Further, the loss of access to these productive grounds has contributed to our fishery being unable to catch 80% of our ICCAT baseline quota of swordfish. Such uncaught quota increases demand in the U.S. market for unsustainable and illegal imports, and that unused quota will be reallocated by ICCAT to other fishing nations including those associated with IUU fishing, the use of forced labor, and substandard conservation practices.

Congresswoman Radewagen's bill will prevent these counterproductive consequences of using the Antiquities Act to manage our fishery – consequences that would have never happened through the Magnuson-Stevens Act process.

### **Economic Considerations**

The Monument area represents one of the most productive fishing areas for the family-owned, small vessel Pelagic Longline fleet where some fishermen had previously derived as much as 30% of their annual revenue. When the area was first closed by President Obama for nearly 4 years, some vessels that depended on this area either went out of business – or moved to completely different regions – or switched to completely different fisheries.

According to NMFS data<sup>1</sup>, when President Biden last closed the Monument to our fishery in 2021, there were 284 Atlantic Pelagic Longline permits on file. Today there are only about 62 Pelagic Longline vessels actively fishing. President Trump's restoration of our access to the Monument, his Administration's reforms to other areas closed to Pelagic Longline fishing, and

---

<sup>1</sup> Stock Assessment and Fishery Evaluation Report, NOAA, 2022, p. 62  
<https://www.fisheries.noaa.gov/s3/2023-06/SAFE-Report-062223.pdf>

his trade policy agenda to level the playing field for American fishermen, have collectively thrown our fishery a lifeline. But, an enormous amount of damage has already been done. Hopefully, it's not too late – but we can be sure that Congresswoman Radewagen's bill will prevent a repeat of this nightmare.

Further, what is not likely well understood by anyone but our fishermen is that the Monument's biologically irrelevant and economically harmful boundaries actually have a much broader geographic and economic impact on our fishery – well beyond those boundaries. The areas surrounding the Monument typically experience strong winds and currents including Gulf Stream warm core eddies that can cause our pelagic longline gear to drift many miles during a set.

In order to avoid having their gear unintentionally drift inside the Monument boundaries and be subject to federal enforcement actions and fines, our fisherman must set their gear 30 or more miles from those boundaries – having the effect of vastly expanding the Monument closure to fishing. That includes preventing our fishermen from accessing the large area of productive fishing grounds extending northeastward from the Monument to the border with Canada (Hague Line). Access to a highly migratory resource in a highly dynamic environment is everything and the loss of such access caused by the Monument boundaries is far greater than what most proponents of such marine protected areas understand.

In consequence, as noted above, the U.S. Pelagic Longline fishery is now unable to catch 80% of our ICCAT baseline quota of swordfish. Again, such uncaught quota – whether of swordfish, tunas or other species - will be reallocated by ICCAT to other fishing nations including those associated with IUU fishing, the use of forced labor, a range of unfair or illegal trade practices, and substandard conservation practices. The Monument closures have served to further unlevel the playing field our fishery must compete on, and replace those lost U.S. catches with unfair and illegal imports from those nations.

President Trump has stated by Executive Order his priority to address our Nation's trade imbalance in part by providing U.S. industries with a fair and level playing field on which to compete in the U.S. marketplace, and in part by reducing excessive regulations. The Monument closure is completely at odds with that policy. It creates yet another anticompetitive regulatory burden on our American fishing industry and provides our foreign competitors with yet another competitive advantage.

Again, we've lost a massive portion of our fleet since this Monument was most recently closed by President Biden in 2021. As with any industry, fishery businesses need stability in government regulation in order to make sound, risk-averse decisions. Decisions like where and when to fish, or how to configure their gear to target swordfish instead of tunas. Logistical decisions including making arrangements as to what port to operate out of and which dealer to sell to. Where and when to buy fuel, how and where to source crew, etc. etc.....

There are many such decisions all of which have cost and profit considerations and, thus, present economic risk. The ongoing ping-pong game of Executive Orders by successive Administrations - compounded by lawsuits on both sides, including this year by environmental organizations to close the monument yet again - creates even more risk and uncertainty which discourages fishermen to make those investments needed to fish in the Monument area.

Which is all to say – we urgently need this bill to finally put an end to this endless, extremely counterproductive process of using the Antiquities Act to manage our fisheries. We need this bill to give our industry some stability and certainty – to give our fishermen a sound reason to continue to operate instead of handing it all over to foreign IUU fisheries.

As a final note, Madam Chair, I would be remiss if I did not call the Subcommittee’s attention to President Trump’s views on all of this. In recognition of the benefits of restoring Pelagic Longline fishing access the Monument and the consequences of not, President Trump reached the following conclusions in his 2020 Proclamation 10049 restoring access to the Monument:

*“After further consideration of the nature of the objects identified in Proclamation 9496 and the protection of those objects already provided by Magnuson-Stevens and other relevant law, I find that a prohibition on commercial fishing is not, at this time, necessary for the proper care and management of the Northeast Canyons and Seamounts Marine National Monument, or the objects of historic or scientific interest therein.”*

*“I find that removing the restrictions on commercial fishing set forth in Proclamation 9496 to allow for well-regulated commercial fishing use is in the public interest and that the objects in the monument can be, and are currently, protected pursuant to carefully tailored regulation and management under existing Federal law”.*

President Trump reached the same conclusions again this year stating in his 2026 Proclamation 11009:

*“After further consideration of the nature of the objects identified in Proclamation 9496 and the protection of those objects already provided by Magnuson-Stevens and other applicable legal authorities, I find, for all the reasons previously stated in Proclamation 10049 and provided herein, that a prohibition on commercial fishing is not, at this time, necessary for the proper care and management of the Northeast Canyons and Seamounts Marine National Monument or the objects of historic or scientific interest therein.”*

*“WHEREAS, for the reasons set forth in Proclamation 10049 and provided herein, I find that removing the restrictions on commercial fishing set forth in Proclamation 9496 and Proclamation 10287 to allow for well-regulated commercial fishing use, in accordance with and pursuant to existing statutory authorities, is in the public interest and that the objects in the monument can be, and are currently, protected pursuant to carefully tailored regulation and management under existing Federal law;”*

And, in the Fact Sheet accompanying his 2026 Proclamation 11009 it is stated:

- *“Prohibiting commercial fishing is not necessary for the proper care and management of the Monument, as many fish species are highly migratory, not unique to the area, and are already protected through existing laws, such as the Magnuson-Stevens Fishery Conservation and Management Act.”*

We believe the President got it right.

On behalf of the American Pelagic Longline industry, I thank you again for the introduction of this bill and for holding this hearing through which we hope your Subcommittee’s Members will

more fully appreciate just how important it is to once and for all put an end to the ‘ping-pong’ and lawsuit madness created by the Antiquities Act. If swordfish and tunas are going to be caught, any honest fishery scientist, manager, economist or environmentalist would tell you that the best place for that to occur is in our American fishery subject to the global gold standard of fishery conservation and management in the world pursuant to the Magnuson-Stevens Act.

Please let us know if you have any questions. Our industry looks forward to working with you to secure the timely enactment of this important legislation.