

From: [Meghan Lapp](mailto:atlanticconservation@noaa.gov)
To: atlanticconservation@noaa.gov
Subject: National Monument Designation Comments
Date: Friday, October 2, 2015 8:03:00 PM
Attachments: [Closed Areas, Georges and GOM.jpg](#)
[Closed Areas, Georges and south.jpg](#)
[Tilefish GRAs, Oceanographer and Lydonia.jpg](#)

On behalf of Seafreeze Ltd, I would like to submit the following additional comments:

As stated in our previous comments, Seafreeze Ltd. is a fishing and seafood production company based in Davisville, RI. We also have a Shoreside facility in Point Judith, employ 95 Rhode Islanders, and help support many other local businesses and jobs. The recent proposal to designate certain New England offshore deep sea canyons and seamounts as a National Monument could mean the loss of our company and the jobs that we provide, as the areas proposed for closure are extremely valuable to our fishing operations.

One of the most concerning aspects of this entire process is that there has been virtually no transparency. A short time ago, an unexpected email blast went out from NOAA announcing possible National Monument designations and a Town Hall meeting in Providence for the public to submit verbal comments, where every participant was limited to a two minute time slot. Although an email address has been created for submission of written comments, we have no idea how these comments will be reviewed, by whom, to whom they will be presented, how long the comment period will remain open, or any information as to what kind of process is being followed. As a company who has participated many times in public process, especially on fisheries issues, it is disturbing that we were left completely in the dark with an issue that has the potential to put us out of business. Unfortunately, NOAA staff has also been unable to answer our questions on this subject. This is deeply disturbing, considering NOAA is administering the comment portal.

Furthermore, we were not even sure what was being proposed, because no boundary lines had been drawn or even hinted at. We were asked to comment on a theory during this comment period, not an actual proposal. NOAA has shown no proposed boundary coordinates, no regulatory provisions, no depth contours, no actual evidence to show the necessity of closure of any area. At NOAA's Town Hall meeting in Providence we were informed that no actual proposals or boundary lines had been drawn, and that NOAA was collecting comments on the concept of National Monument designations in these areas. However, new evidence shows that this has not been the case, as discussed below.

As mentioned in our previous comment letter, Seafreeze participated extensively in the development of the Mid Atlantic Fishery Management Council's Deep Sea Corals Amendment, which designated protections similar to what is being sought after by executive order. However, unlike an executive order or the current public participation process for a possible National Monument designation, the process was collaborative and included scientific input, fisheries stakeholder input, environmental group input, legal input, university input, governmental input, and a true public deliberation that took place over the period of time needed to thoroughly investigate the issue. Through this process, which included a Deep Sea Coral Workshop to develop protection boundaries, both deep sea corals and historic fishing areas were preserved. A similar type of deliberative process was anticipated as the New England Deep Sea Coral Amendment went forward. However, now our fishing vessels and our business are being out in a very precarious position. If the executive designation removes deep sea canyons protection from the process necessary to include the proper science and stakeholder involvement, it could mean the loss of many jobs. To continue with a National Monument designation would be arbitrary and insupportable at this point in time, when the New England Fishery Management Council has been preparing to undertake the issue pursuant to a Memorandum of Understanding between the New England, Mid Atlantic, and South Atlantic Fishery Management Councils, which can be accessed here: <http://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/51e6c21ae4b0e93105b1f07d/1374077466016/June+2013+Final+DSC+MOU.pdf> The Council process is the appropriate vehicle to afford protections to deep sea canyons while addressing stakeholder needs as well. A National Monument designation is not.

Attached to this email are several images designed to demonstrate current fishery management and fishing activity. Important to note when viewing these images is the fact that they are merely a snapshot and are by no means comprehensive. Not all fish prefer the same temperature/depth, so what is represented on these charts may show activity from one fishery but not another (meaning some vessels may need to fish in more areas/deeper areas depending on what species is being targeted). Also important to note is the fact that current activity is already limited to certain areas and depths due to fishing restrictions already in place. Adjacent areas may show different activity.

The first picture is a chart showing all of the closed areas on the north side of Georges Banks and in the Gulf of Maine; the second is showing closed areas on the south side of Georges Bank and to the south. These are taken off a standard electronic fishing chart. All of the colored boxes represented are closures to fishing. Some are permanent, some are seasonal, some are gear restricted areas (GRAs). It is very easy to see that any claims that there are "no protections" from fishing activity in the New England region are false. In fact, more area is off limits or of limited access than is actually open or free from area management.

The third picture is of Oceanographer, Gilbert and Lydonia canyons, and of the Tilefish GRAs in place in both Oceanographer and Lydonia canyons. Bottom trawling is already prohibited in these GRAs, so claims that the areas need protection from bottom trawling are spurious. Since the areas are already off limits to ours and other bottom trawl vessels, any current bottom trawl fishing activity demonstrated subsequent images is going to be limited to areas outside the GRA.

The fourth image is activity by just one of our freezer vessels in the Oceanographer, Gilbert, and Lydonia canyon area; this is considerable activity by a single vessel. This area has been extremely productive for Seafreeze's primary target species of Loligo squid, Illex squid, butterfish, and mackerel. In fact, some of our most productive seasons in our 30 year history have occurred in this very area. We are already prohibited from fishing in the tilefish GRA and the areas detailed on the first two images; we do not need to lose any more fishable area. Furthermore, due to the fact that no actual proposals have been made public by NOAA, we do not know the scope of what is proposed for closure.

The fifth picture is fishing activity by just one of our Shoreside customers around Oceanographer, Gilbert, and Lydonia canyons. Again, this is substantial activity. The fifth image is of the canyons, but on a different plotter with activity from several vessels. As demonstrated by these several charts, fishing activity varies vessel to vessel. Some of the areas fished are relatively the same, some are different, based on the species targeted. That is why the entire issue of canyon protection needs to be remanded back to the New England Fishery Management Council- these areas are very important to different people, but also in different places. It is an extensive issue that needs the proper time and deliberation to ensure protection for fishing communities and businesses as well as the environment.

Additional concerns include maneuverability and transit. Vessels need room to maneuver. Although they are no longer fishing and the gear is no longer on the

bottom, trawl vessels need extra area to haul back their nets, wires, etc., while the vessel is kept on a straight course. Consideration of weather conditions during fishing activity- i.e. the high winds, significant wave height, strong tides- is also necessary. Buffers need to be considered for maneuverability. Transit capabilities are of additional importance, as it can cost many hours and gallons of fuel to steam around an area rather than through it.

While compiling this information and acting in good faith during the public comment process, we have been made aware that the individuals/groups involved in supporting the National Monument designation have not been. They not only had a planned time frame for this action (next week after the Chile Our Oceans Conference), but also planned boundary lines. The emails in the second link below detail key individuals involved, including Monica Medina, NOAA Principal Deputy Undersecretary for Oceans and Atmosphere. Apparently, there have been exact proposed lines, actual GPS coordinates, an "economic data report", etc, which NOAA personnel had and refused to make public- prior to NOAA's Town Hall meeting held in Providence. Since the initial announcement, we were told that nothing was known about any of this process or what exactly was being proposed, etc., even by NOAA personnel. Now we know this is not the case and that not only did top NOAA officials have access to this information, they collaborated in it. We could not effectively comment because we didn't know exactly even what we were commenting on, although we stand to be a heavily affected party to the decision. Our Rhode Island Senators outlined this very issue in their request to the President for transparency. However, this entire process has been a deliberate attempt at non-transparency. The last page of the second link below shows the proposed boundary lines on a bathymetry chart. The Oceanographer, Gilbert and Lydonia canyon boundaries cut off ALL of our tows in the area. Does the referenced "economic data report" include the huge economic losses our business would sustain as a result of this closure? This is highly unlikely.

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We cannot support any executive action that would designate the New England canyon areas as a National Monument. Our business has too much at stake. We have been open and transparent about our activity in the area by submitting our charts, and we expect our government agencies to do the same. We cannot support any designation or action that is non-transparent and conducted behind closed doors, absent stakeholder collaboration and involvement. We demand an honest and transparent process.

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