



Mid-Atlantic Fishery Management Council

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January 24, 2023

Matt Brookhart, Regional Director
NOAA Office of National Marine Sanctuaries
1305 East-West Highway, SSMC4
Silver Spring, MD 20910

Dear Mr. Brookhart:

Thank you for consulting with the Mid-Atlantic Fishery Management Council (Council) on the proposed designation of the Hudson Canyon National Marine Sanctuary under National Marine Sanctuaries Act (NMSA) section 304(a)(5). This letter provides our determination on whether we deem it necessary to prepare draft regulations for fishing within the Exclusive Economic Zone to implement the proposed sanctuary designation.

The Council is one of eight regional councils authorized under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and tasked with conservation and management of our nation's Federal fisheries. The Council has management jurisdiction over 14 marine fisheries in Federal waters of the Mid-Atlantic region, plus more than 50 ecosystem component species managed across all fishery management plans. The Council develops fishery management plans to achieve its vision of "Healthy marine ecosystems and thriving, sustainable fisheries and fishing communities that provide the greatest overall benefit to the nation."

The Council considered section 304(a)(5) during its December 2022 Council Meeting and determined that fishing regulations beyond those already in place in Federal waters are not necessary to implement the proposed Hudson Canyon National Marine Sanctuary.

As noted in our recent scoping comments,¹ the Hudson Canyon area includes very important commercial and recreational fishing grounds. The Council has an excellent record of managing its fisheries within and beyond Hudson Canyon. Members of the Council and its staff are experts in natural resource management and conservation in the highly dynamic, ocean ecosystem, and are thus best equipped to develop fishery management measures. In fact, many of the stated objectives of the proposed sanctuary are already in line with the Council's fishery management goals, including conservation of marine wildlife and habitats, sustainable economic uses of the Hudson Canyon, increased education and awareness of ocean environments, and promoting research and monitoring.

The MSA itself provides a strong framework for fisheries management that is applied through a science-based, transparent, and participatory process. The Council works hard to balance the MSA's 10 National Standards while adhering to the National Environmental Policy Act, Marine Mammal Protection Act, Endangered Species Act, and other applicable laws.

¹ The Council's August 2022 scoping comments can be found at: <https://www.mafmc.org/s/MAFMC-Hudson-Canyon-Scoping-2022-08-08.pdf>.

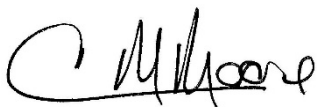
As required under the MSA, the Council sets science-based catch limits for all Council-managed species to prevent overfishing and rebuild overfished stocks.² The Council also utilizes a variety of other management tools to ensure sustainability of managed fisheries and protect parts of the ocean from the impacts of fishing activities. These include bycatch caps or quotas, fish size restrictions, trip limits, gear restrictions, and area closures. Recognizing the important role that forage species play in the marine ecosystem, the Council has designated more than 50 species as “ecosystem component species” and established a combined 1,700 pound incidental possession limit for those species. The Council also applies an Ecosystem Approach to Fisheries Management³ and continues to adapt its fishery management plans to incorporate these foundational principles.

The Council has already taken significant steps to safeguard the unique biological and physical resources of the Hudson Canyon. In 2015, the Council approved the designation of the Frank R. Lautenberg Deep Sea Coral Protection Area, a roughly 100,000 km² area in the Mid-Atlantic region to protect deep sea corals from the impacts of fishing gear.⁴ Within this area, which includes Hudson Canyon, all bottom tending commercial fishing gear is prohibited, with limited exceptions. Boundaries for the deep sea coral protected area were developed through a transparent and collaborative process involving fishing industry representatives, environmental groups, fishery managers, and scientists, and were approved nearly unanimously by the Council.

The Council’s fishery management plans create system wide conservation benefits that apply throughout the Hudson Canyon and beyond and balance the economic use of fisheries resources with the needs of a healthy ecosystem. On this basis, we conclude no additional fishing measures are needed to implement the proposed sanctuary.

We appreciate the opportunity to consult with Office of National Marine Sanctuaries on this issue. Please do not hesitate to contact me if you have any questions.

Sincerely,



Christopher M. Moore, Ph.D.
Executive Director, Mid-Atlantic Fishery Management Council

cc: J. Coakley, K. Dancy, M. Duval, L. Hogan, M. Luisi, W. Townsend

² See <http://www.mafmc.org/s/MAFMC-ABC-Control-Rule-White-Paper.pdf>, as well as species Fishery Management Plans for more information.

³ <https://www.mafmc.org/eafm>.

⁴ See <https://www.mafmc.org/actions/msb-am16> for additional information.