



Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
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August 8, 2022

LeAnn Hogan
NOAA Office of National Marine Sanctuaries
1305 East-West Highway, SSMC4
Silver Spring, MD 20910

Dear Ms. Hogan:

Thank you for the opportunity to provide comments regarding the proposed designation of the Hudson Canyon National Marine Sanctuary under the National Marine Sanctuaries Act (NMSA). These comments are provided in response to the notice of intent to conduct scoping published on 6/8/22.¹ Please note that we also plan to submit separate comments in response to the letter received on 7/6/22 requesting input on the need for fishing regulations in the proposed sanctuary pursuant to section 304(a)(5) of the NMSA.²

The Mid-Atlantic Fishery Management Council (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."

Many of the stated objectives of the proposed sanctuary are in line with the Council's 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 Council also recognizes that sanctuary designation could offer important protections from offshore oil and gas drilling/exploration, as well as deep sea mining. However, the Council has several concerns which we hope you will take into consideration as you move forward with the designation process.

Our primary concern is that sanctuary designation could undermine or interfere with the Council's fishery management process and create conflicting or competing management objectives for fisheries within the sanctuary area. The MSA provides a strong framework for fisheries management through a science-based, transparent, and participatory process. The regional fishery management councils work hard to balance the MSA's ten National Standards while adhering to the National Environmental Policy Act, Marine Mammal Protection Act, Endangered Species Act, and other relevant laws. There is significant uncertainty regarding whether the Council would retain management authority for fishery resources in the proposed sanctuary area.

¹ <https://www.federalregister.gov/d/2022-12234>

² https://www.mafmc.org/s/c_Hudson_304_a_5_MAFMC_7_6_22.pdf

The initial sanctuary nomination from the Wildlife Conservation Society (WCS) notes that the Council “has an excellent record in recent years managing fisheries in the region” and recommends that “fishing should continue in this economically valuable area.”³ However, this endorsement does not guarantee that the Council would retain management authority or that commercial and recreational fisheries currently managed by the Council would not be subject to new regulations or restricted access. It is also unclear as to what influence the Sanctuaries Program may or may not have over the Council’s fishery management activities. We strongly believe that the fisheries within the proposed sanctuary are effectively managed and that additional regulations under the NMSA are not necessary. As such, **the Council tentatively supports a Hudson Canyon sanctuary designation contingent on ensuring that such a designation will not conflict with existing fishery management authorities or result in additional restrictions on commercial and recreational access to the area.** If a decision is made to move forward with designation of the Hudson Canyon National Marine Sanctuary, **we urge that fishing activities be excluded from the list of Activities Subject to Regulation in the designation document.**

The Council appreciates that one of the sanctuary’s five overarching goals is to “highlight and promote sustainable uses of the area.” Council staff recently requested that NMFS’ Greater Atlantic Regional Office calculate landings and ex-vessel revenues of species caught within the area bounded by WCS’s original nomination (although no specific area has yet been proposed by NOAA, we believe this area provides a good baseline for initial analysis). According to this analysis, the proposed sanctuary area had an associated \$22 million in average commercial ex-vessel revenue annually from 2008-2020 (in 2020 adjusted dollars).⁴ Although ex-vessel revenues are a useful indicator of relative importance for various fisheries, we note that the true economic importance of these fisheries comes from the overall economic activity, jobs, and community vitality that are supported by the ex-vessel revenues. In fact, when related impact multipliers are considered, the actual economic impact is several times larger.

Commercially important species in the area that are managed by the Council include longfin squid, scup, summer flounder, Atlantic mackerel, *Illex* squid, golden tilefish, and black sea bass. Less area-specific information is available for recreational fishing, but similar analysis of for-hire vessel trip reports shows that fishing activity occurs in the area for scup, bluefish, golden tilefish, swordfish, red hake, black sea bass, dolphinfish, albacore tuna, yellowfin tuna, and other species.⁵ As a result, loss of access to the Hudson Canyon area would substantially impact commercial and recreational fishermen and ports throughout the Mid-Atlantic and New England.

It is important to note that 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. This protected area already includes the Hudson Canyon. The boundaries of this area were carefully developed via a cooperative process, including a workshop where scientists, managers, and stakeholder interest groups evaluated fine-scale spatial data to designate meaningful gear-restricted coral zones. A similar process should be utilized to define the boundaries of the sanctuary if designation proceeds.

³ <https://nominate.noaa.gov/media/documents/hudson-canyon.pdf> (p. 23)

⁴ https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_com.html

⁵ https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_rec.html

The Council would also support the formation of a Pre-Designation Sanctuary Advisory Council (SAC) to inform development of a proposed sanctuary. We recommend that this SAC include robust representation from commercial fishery participants, recreational fishery participants, and fishery managers.

Lastly, we note that it is difficult to comment on some aspects of a potential sanctuary without additional details as to which activities are likely to be excluded from a designated sanctuary area. In particular, the Council's current understanding is that there is some uncertainty regarding the potential for offshore wind development to be permitted in a proposed sanctuary due to lack of clarity about wind energy permitting authorities and jurisdictions. As the sanctuary designation process moves forward, it will be important for this issue to be clarified so that stakeholders are able to provide effective input on sanctuary designation details, including boundaries and proposed regulations.

Thank you again for the opportunity to provide these comments on behalf of the Mid-Atlantic Fishery Management Council. Please do not hesitate to contact me if you have any questions. We appreciate your consideration of our comments and look forward to future opportunities to provide input during the proposed sanctuary designation process.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Luisi", written in a cursive style.

Michael Luisi
Chairman, Mid-Atlantic Fishery Management Council