

From: <Catherine_Callaway@ios.doi.gov>
To: Randal_Bowman@ios.doi.gov
Subject: DCN: EST-00003150 - Antiquities Act
Date: Wednesday, June 28, 2017 4:58:28 PM
Attachments: [3150 in.pdf](#)

Tasked to OEIA.



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

The Honorable Ryan K. Zinke
Secretary of the Interior
1849 C Street, N.W.
Washington DC 20240

June 21, 2017

Dear Mr. Secretary:

Thank you for your letter requesting my input in the U.S. Department of Interior's review of National Monuments pursuant to Executive Order 13972 Review of Designations Under the Antiquities Act to assess the Commonwealth's position before you make recommendations to the President. I appreciate your request for feedback on this review.

As you know, the Northeast Canyons and Seamounts Marine National Monument which was designated on September 15, 2016 lies about 100 miles southeast of Massachusetts. The Federal Register Notice attached to your letter states that certain Marine National Monuments will be reviewed in a separate but related process to the Executive Order 13972 review. It goes on to explain that as directed by section 4 of Executive Order 13795 Implementing an America-First Offshore Energy Strategy, the Department of Commerce will lead the review of the Marine National Monuments in consultation with the Secretary of the Interior. In addition to the factors contained in section 2(a) of Executive Order 13972—which include effects of the designation, concerns of state, local and tribal governments, and size—under Executive Order 13795, the Administration's review also includes consideration of the opportunity costs associated with potential energy and mineral exploration and production from the Outer Continental Shelf (OCS).

As explained below, previous concerns I expressed on behalf of the Commonwealth regarding the process for designating the Northeast Canyons and Seamounts Marine National Monument remain unchanged. Given the connections between the two Executive Orders and the Commonwealth's interests in the OCS, I would like to share the Commonwealth's views and positions on the management and administration of these federal waters adjacent to and affecting Massachusetts.

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To begin, I cannot state in stronger terms that the resources and uses of the OCS are critically important to health and well-being of the Bay State. These federal waters off Massachusetts contain rich natural resources and important marine ecosystems. For example, the scallop and groundfish fisheries of and around Georges Bank are regarded as the most commercially important fisheries in the nation and are intrinsic to the economies and social fabric of many coastal communities. These ocean waters also contain vital habitat for endangered whales, sea turtles, marine birds, and other wildlife that rely on these areas for key portions of their life stages and seasonal movements. Marine commerce and transportation transit the OCS, moving exports and imports to and from Massachusetts ports, providing important tourism and recreational benefits, and supporting critical national marine security and defense interests. Finally, Massachusetts has worked collaboratively with your department to develop the potential of a significant offshore wind resource in the OCS that may become a key part of our region's energy future.

Specifically, since 2009 with the formation of the Massachusetts Intergovernmental Task Force on Renewable Energy, we have worked very closely with your Bureau of Ocean Energy Management (BOEM) to ensure that the federal planning, siting, leasing, and environmental review of potential offshore wind development on the OCS was coordinated with the Commonwealth and that our interests were reflected in that process. BOEM has been open and accessible to dialogue and to implementing substantive elements that advance the Commonwealth's work on the responsible siting of offshore wind development, from partnering on marine wildlife surveys to modifications to the designated lease areas to reflect Massachusetts' concerns. Given the recent unsolicited interest from offshore wind developers for the two wind energy areas that were not leased in the 2015 auction, at its recent meeting the Task Force recommended that BOEM move forward with a competitive lease sale process for these areas. This is a priority for Massachusetts, and we look forward to working with BOEM on the proposed sale notice and subsequent steps for the competitive leasing of these areas and to work with you to advance a regulatory environment that allows an offshore wind industry in the United States to prosper. After the next lease sale, there will be more than 900,000 acres of commercial leases off Massachusetts, and we do not see the need for additional planning and siting activities offshore the Commonwealth.

Executive Order 13972 calls for a review of and makes changes to existing plans and policies regarding the exploration, planning for, or potential leasing and development of oil and gas resources on the OCS. I want to convey that our priorities are to protect and enhance our commercial and recreational fishing industries, foster critical marine resources and ecosystems, reduce greenhouse gas emissions and advance the effort to responsibly develop offshore wind resources. As BOEM initiates development of a new Five-Year Outer Continental Shelf Oil and Gas Leasing Program and considers potential seismic studies, the Commonwealth does not support the inclusion of areas of the North Atlantic adjacent to or affecting Massachusetts. For more than three decades, the exploration or leasing for oil and gas in the North Atlantic has not been justified, and we believe this holds true today more than ever.

With respect to the review of the Northeast Canyons and Seamounts Marine National Monument, I would like to reiterate concerns I raised in my attached November 2015 letter to President Obama regarding the process for designation, the lack of engagement with stakeholder,

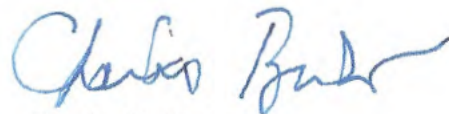
missed opportunities to work through existing regional bodies specifically designed to consider local management of resources, as well as the effects on commercial fishing, especially lobster and red crab fisheries. My request to the President was to follow a more thorough and transparent process for this specific designation and is consistent with a letter dated October 2015 from five members of the Massachusetts congressional delegation. These concerns were not and are not directed at the underlying authority or policy objectives of the Antiquities Act.

If your review leads you to recommend revisiting the designation, I would ask that the following elements be included: the development and/or release of a comprehensive report detailing the science, information, and analysis utilized to inform the identification of resources and the areas for protection in the 2016 designation; an evaluation and related finding related to the requirement that the "reservations of land not exceed the smallest area compatible with the proper care and management of the objects to be protected;" an evaluation and related finding related to the decision and effects of prohibiting commercial fishing, specifically lobster and red crab fisheries; and the provision of opportunities for meaningful stakeholder input and dialogue.

Finally, I would like express my regret that I was not able to meet with you in Boston last week, as I was in Washington to attend a meeting of the President's Commission on Combating Drug Addiction and the Opioid Crisis. I greatly appreciate the time you spent with Secretary Beaton and members of our team and hope your visit to Boston was both informative and enjoyable. Your service to this country—in the Navy, the Congress and the Administration—is a model for all of us and is deeply appreciated. The fact that you have taken a personal interest in this important issue gives me great confidence in the Administration's review.

We look forward to the continued close coordination and partnerships between the Commonwealth and the Department of Interior. If we can provide additional assistance or information with respect to this review or any other matter, please do not hesitate to ask and we would be pleased to meet with you or your staff, either here or in Washington.

Sincerely,



Charles D. Baker

Cc: The Honorable Wilbur L. Ross, Secretary of Commerce



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR

COMMONWEALTH OF MASSACHUSETTS

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KARYN E. POLITO
LIEUTENANT GOVERNOR

November 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

Over the past several weeks, I have learned of your Administration's potential designation of one or more National Marine Monument(s) in the Northwest Atlantic (offshore of New England). While the protection of critical marine habitats is a goal shared by many—including my Administration—significant questions and concerns have been raised regarding this possible designation, and I wish to convey my Administration's apprehension as to both the process being implemented and the effects of such a unilateral declaration.

I have questions and concerns about the process for the current proposal for National Marine Monument(s) for the deep-sea canyons and seamounts, as well as areas not included in the National Oceanic and Atmospheric Association (NOAA) public notice, such as Cashes Ledge. My Administration has been unable to determine how these areas were identified and selected. NOAA held a single public meeting in Providence, Rhode Island, and I believe that this falls far short of any meaningful stakeholder process.

The Commonwealth is a full and active participant in two regional ocean management governance processes that include important components of marine habitat characterization and the protection of important ecological areas. The recent work of the New England Fisheries Management Council and the first-ever regional ocean planning initiative under your Administration's National Ocean Policy both serve as vital forums for the collective management of our region's oceans. They are stakeholder-based, informed by rigorous science, and provide for robust public input.

In April of this year, after significant deliberations and debate with input from fishermen, scientists, public officials, regulators, and other stakeholders, the New England Fishery Management Council approved a marine habitat plan (Omnibus Habitat Amendment 2) under the Magnuson-Stevens Act. This plan continues long-standing protections for a

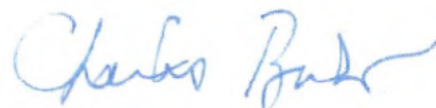
large area covering Cashes Ledge and extending many miles beyond. The Council is actively working on extending similar protections to the New England Canyons through the Deep-Sea Coral Amendment.

Modeled on the ground-breaking work of Massachusetts and Rhode Island, a regional ocean-planning process has been formally underway in the Northeast since 2012. The National Ocean Policy of 2010 called for the formation of regionally-focused entities to better manage the nation's oceans and coasts, and New England was the first region in the Nation to respond to this call, developing the Northeast Regional Planning Body, which includes representatives from the six New England states, ten federally recognized tribes, ten federal agencies, and the New England Fishery Management Council. The Northeast Regional Planning Body has been working on the development of an ocean plan and has formally adopted the following principles for ocean planning: meaningful public participation; sound science; a comprehensive, ecosystem-based approach; transparent, efficient government decision-making; and adaptive management. The Northeast Regional Planning Body is on-track to submit the Nation's first-ever regional ocean plan to the National Ocean Council next year.

I am very concerned that the proposed marine protected area designation will undermine the ongoing New England Fishery Management Council and Northeast Regional Planning Body. Their work, plans, and processes are underway, and will jeopardize already strained relationships with important stakeholders, including commercial and recreational fishermen. The proposed National Marine Monument designation is inconsistent with and contrary to the process and principles of the ongoing regional ocean planning initiative.

Thank you for your attention to this matter and I look forward to a robust public dialogue about these designations going forward.

Sincerely—



CHARLES D. BAKER
GOVERNOR OF MASSACHUSETTS

cc: Senator Elizabeth Warren
Senator Ed Markey
Representative Richard E. Neal
Representative Jim McGovern
Representative Niki Tsongas

Representative Joseph P. Kennedy, III
Representative Katherine Clark
Representative Seth Moulton
Representative Michael E. Capuano
Representative Stephen F. Lynch
Representative William Keating
Secretary Matthew Beaton



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Gov. Baker letter to Sec. Zinke 6.21.17

1 message

Timothy Williams <timothy_williams@ios.doi.gov>

Thu, Jun 22, 2017 at 10:20 AM

To: Robert Howarth <robert_howarth@ios.doi.gov>

Timothy Williams
External and Intergovernmental Affairs
Department of the Interior
Cell: (202) 706-4982

Begin forwarded message:

From: "Daley, Thomas (GOV)" <thomas.daley@massmail.state.ma.us>
To: "Williams, Timothy" <timothy_williams@ios.doi.gov>
Cc: "Barrera, Joel (GOV)" <joel.barrera@state.ma.us>, "Goldberger, Ben (GOV)" <ben.goldberger@state.ma.us>, "Ullman, Rebecca (EEA)" <rebecca.ullman@state.ma.us>, "Graves, Matthew (GOV)" <matthew.graves@state.ma.us>
Subject: Gov. Baker letter to Sec. Zinke 6.21.17


Tim,

I hope all is well with you. Please find the attached Governor Baker response letter to Secretary Zinke's request for input on DOI's National Monuments review pursuant to Executive Order 13972. In the same attachment is a November 2015 letter from Governor Baker to President Obama expressing concerns around potential designations of National Marine Monuments off the coast of New England by the Obama Administration.

Don't hesitate to reach out with any questions you may have.

Best,

Thomas Daley
Federal Policy and Legislation Analyst
DC Office of Governor Charlie Baker
Direct: (202) 624-7705
Cell: (617) 413-4955

2 attachments **noname.html**
1K **Gov. Baker letter to Sec. Zinke 6.21.17.pdf**
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