

**From:** Bowman, Randal  
**To:** [Michael Weiss - NOAA Federal](#)  
**Subject:** Re: Late request  
**Date:** Wednesday, August 23, 2017 8:46:53 AM

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sorry, overlooked this when sending my "call me" request - things are a little hectic here. I should be at my desk all morning.

On Wed, Aug 23, 2017 at 8:59 AM, Michael Weiss - NOAA Federal

<[michael.weiss@noaa.gov](mailto:michael.weiss@noaa.gov)> wrote:

ps, reminder if you can get me e any information on DOI's rollout plan for its final recommendations/report and who the POC is to refer inquiries.

Thanks again.

On Wed, Aug 23, 2017 at 8:47 AM, Michael Weiss - NOAA Federal

<[michael.weiss@noaa.gov](mailto:michael.weiss@noaa.gov)> wrote:

Thanks. I was focused on the next sentence re: "In addition, in 2009....", but makes sense to delete the paragraph.

On Wed, Aug 23, 2017 at 8:41 AM, Bowman, Randal <[randal\\_bowman@ios.doi.gov](mailto:randal_bowman@ios.doi.gov)> wrote:

Thank you. Given the revocation of the certification, that is my thought also.

On Wed, Aug 23, 2017 at 8:37 AM, Michael Weiss - NOAA Federal

<[michael.weiss@noaa.gov](mailto:michael.weiss@noaa.gov)> wrote:

Thanks.

Heard back from NMFS. Suggestion is that may be best to simply delete the text

On Wed, Aug 23, 2017 at 8:11 AM, Bowman, Randal

<[randal\\_bowman@ios.doi.gov](mailto:randal_bowman@ios.doi.gov)> wrote:

Thank you - will check

On Wed, Aug 23, 2017 at 5:34 AM, Michael Weiss - NOAA Federal

<[michael.weiss@noaa.gov](mailto:michael.weiss@noaa.gov)> wrote:

Morning Randy.

I can check, but I think the key points NMFS is conveying can be restated as-- due to the nature of this fishery- that: 1. it is targeted at males b/c retention of females is prohibited; and 2. b/c males and females segregate by depth, the fishery can be conducted in a very targeted fashion, focusing on the depth and area males are more likely to be found, that minimizes impacts to select, narrow areas/band along the shelf (620-650m) (although there are some impacts as indicated below).

Also, DOI included the text on the Marine Stewardship Council so also leave that to you whether to retain. However, FYI I took a quick look at the MSC website re: what it entails be become certified (<https://www.msc.org/get-certified/fisheries>), and I found that the certification for the Atlantic deep

sea red crab is listed as "withdrawn" (<https://fisheries.msc.org/en/fisheries/@@search?q=certified+red+crab&search=>). Not sure why as I did not see that on the site, but just wanted to make you aware in case you wanted to further explore.

On Tue, Aug 22, 2017 at 9:10 PM, Bowman, Randal  
<[randal\\_bowman@ios.doi.gov](mailto:randal_bowman@ios.doi.gov)> wrote:

The problem is that even their revised explanation is not very clear to those not steeped in fishery policy. If they could get a better explanation for the lay person first thing in the morning I'd be glad to have it, but as it stands I don't think it is very useful.

On Tue, Aug 22, 2017 at 8:53 PM, Michael Weiss - NOAA Federal  
<[michael.weiss@noaa.gov](mailto:michael.weiss@noaa.gov)> wrote:

Your call but NMFS thought it is useful to keep in the justification denoting the sustainability of the fishery and narrow impact (comparatively speaking to the entire canyon depth).

On Tue, Aug 22, 2017 at 6:21 PM, Bowman, Randal  
<[randal\\_bowman@ios.doi.gov](mailto:randal_bowman@ios.doi.gov)> wrote:

Would it perhaps be simpler to remove the references to the red crab fishery? It seems irrelevant to what we are talking about, and I think it came up from our side.

On Tue, Aug 22, 2017 at 6:16 PM, Michael Weiss - NOAA Federal  
<[michael.weiss@noaa.gov](mailto:michael.weiss@noaa.gov)> wrote:

Evening.

Hi Randy as regards the other piece--

To clarify, there is no correlation between existing red crab regulations and protection of the monument. Rather, the red crab and lobster fisheries are being phased out of the monument because hauling lobster/crab pots has a negative impact on other resources in the canyons that need protection, such as corals.

With that said, the suggested minor changes (suggested in bold text) provide some additional factual clarity denoting the sustainability of the fishery and narrow impact (comparatively speaking to the entire canyon depth) and may be worth retaining.

Executive Order 13158, which established the National System of Marine Protected Areas, requires in Section 5 that to the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking any actions, shall avoid harm to the natural and cultural resources that are protected by an MPA. **In addition, in 2009, the red crab fishery became the first Marine Stewardship Council certified sustainable fishery on the east coast of United States. It is important to note that the Atlantic deep-sea red crab sex-segregate by depth, therefore making the red crab fishery highly selective, targeting a narrow band along the shelf (between 620-650 m) minimizing impact to a select area and maximizing efficiency in the capture of large males because retention of female red crab is prohibited.**

Also a note- section 5 of the MPA is not necessarily a replacement for the protections provided by the Monument proclamation or under the MSA. Factually, the statement is correct, but in practice it is my understanding there

there are no implementing regulations, enforcement accountability-related activities/measures, or guidance regarding this section of EO 13158.

Thanks,

Michael

On Tue, Aug 22, 2017 at 3:53 PM, Bowman, Randal  
<[randal\\_bowman@ios.doi.gov](mailto:randal_bowman@ios.doi.gov)> wrote:

Thank you. Even I can understand this.

On Tue, Aug 22, 2017 at 3:50 PM, Michael Weiss - NOAA Federal  
<[michael.weiss@noaa.gov](mailto:michael.weiss@noaa.gov)> wrote:

NMFS response to the first highlighted section question. They are looking at the second one with the clarification based on our conversation.

Thanks

#### EXISTING TEXT:

The New England Fishery Management Council has also taken several actions to protect corals and sensitive bottom habitats. For example, since 2005, fishing with any gear type while on a monkfish Day-at-Sea (DAS) in Lydonia and Oceanographer canyons (deeper than 200 m) has been prohibited by Amendment 2 to the Monkfish Fishery Management Plan (FMP). Similarly in 2008, these same canyon areas were closed to bottom trawl fishing for mackerel, squid or butterfish (MSB) via Amendment 9 to the MSB FMP. These protections are not mentioned in the Proclamation.

Also not mentioned in the Proclamation is that Lydonia and Oceanographer canyons were added to the National System of Marine Protected Areas.

**REQUEST: PLEASE explain in the text what gear restricted areas are and how they address concerns raised in the proclamation.**

#### NEW TEXT SUGGESTED:

These gear restricted areas prohibit the use of fishing with any mobile bottom tending gear, such as trawls and dredges. Mobile bottom tending gear is the most damaging to bottom habitat, sponges, corals and other invertebrates. Stationary gear such as gillnets and pots have less contact with the bottom and only move relatively small distances compared to the sweep of a fishing net as it is dragged along the bottom. Banning mobile gear greatly reduces, but does not eliminate, the impacts from fishing gear. Gear restricted areas therefore reduce the amount of dislodging and damage to sponges, corals and other invertebrates done by fishing gear, but do not protect them from other potential uses of the area.

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Michael Weiss  
Office of the Under Secretary  
National Oceanic and Atmospheric Administration  
[202-482-5958](tel:202-482-5958) (w)  
(b) (6) (c)

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Office of the Under Secretary  
National Oceanic and Atmospheric Administration  
[202-482-5958](tel:202-482-5958) (w)  
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[202-482-5958](tel:202-482-5958) (w)  
(b) (6) (c)

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Michael Weiss  
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National Oceanic and Atmospheric Administration  
[202-482-5958](tel:202-482-5958) (w)  
**(b) (6)** (c)

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Michael Weiss  
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National Oceanic and Atmospheric Administration  
202-482-5958 (w)  
**(b) (6)** (c)