

From: Bowman, Randal
To: [Michael Weiss - NOAA Federal](#)
Subject: Re: new elements for NW C&S memo
Date: Thursday, August 24, 2017 4:24:06 PM

There is the report, and then there are detailed memos on proposed changes at individual monuments. New England and one other are the only ones near completion, and I just discovered those two are likely to go to WH late tomorrow.

Additionally, I also just was advised that Downey shared the recommendations on the marine monuments overall, which were as we have discussed, with Earl on Friday, and he sent the Secretary's concurrence yesterday. There was one mistake in his email, which added "seaward of the 12-mile refuge boundary" to Rose Atoll, where there is no refuge marine boundary, but that is not something we need to raise at this point.

Finally, you might want to ask Mike or others at NMFS to start working on the explanatory paragraphs for a new Pacific proclamation opening the PRIs and Rose to commercial fishing, primary justification being how well Magnuson-Stevens works to protect and manage fish stocks, with whatever references can be made to issues in and around those islands.

I have already drafted the operative sections of such a proclamation, revising the currently applicable sections of the previous ones, but it needs the material that goes above the "Now, Therefore ..." section, and since we don't need that immediately its better if your folks draft it.

On Thu, Aug 24, 2017 at 5:01 PM, Michael Weiss - NOAA Federal
<michael.weiss@noaa.gov> wrote:

Thanks Randy.

Thought the report was completed based on the press release?

Regardless, I have asked NMFS to revise the text you provided and hope to get something to you soon.

On Thu, Aug 24, 2017 at 4:21 PM, Bowman, Randal <randal_bowman@ios.doi.gov> wrote:

Unexpected complication - the report on one of the terrestrial monuments had a section on laws that protect monument resources, and the Secretary liked that, so we now need to add the same to the NE Canyons and Seamounts memo. This includes Magnuson-Stevens and MMPA.


I created placeholder sections for review here at noon, but since these are your laws (given none of FWS MMPA species are in the NE area) you really need to write these. I took both from the web - M-S a condensation from your web site, and MMPA from several, as yours seemed aimed at fishermen, not the public. I just got the OK to share these for review, and I think Downey plans to send the entire current version to Earl for his review, but I don't know when. The blue underlining here does not show up in the word document. She would like edits by COB today if at all possible.

DRAFT PLACEHOLDERS for NOAA revision:

Magnuson-Stevens Fishery Conservation Act and Management Act

Commercial fishing in U.S. Federal waters is primarily governed by the Magnuson-Stevens Fishery Conservation and Management Act (“Magnuson-Stevens”), which fosters long-term biological and economic sustainability of our nation's marine fisheries. Magnuson-Stevens established eight regional fishery management councils (Councils) with representation from the coastal states and fishery stakeholders.

The Councils' primary responsibility is the development of fishery management plans (“FMPs”). These FMPs must comply with a number of conservation and management requirements that promote sustainable fisheries management. Using scientific analyses of the abundance and composition of individual fish stocks, Councils set annual catch limits. If these limits are exceeded in a fishing year, accountability measures pre-determine the mechanism to respond. Since 2011, domestic fisheries have had measures in place to meet these requirements, and today, nearly 90 percent of fisheries are maintaining harvest levels below their annual catch limits. (b)(5) DPP



Marine Mammal Protection Act

The U.S. Marine Mammal Protection Act (MMPA) protects all marine mammals, including whales, dolphins, porpoises, seals, sea lions, walrus, manatees and dugongs, sea otters, and polar bears within the waters of the United States.

The Act makes it illegal to "take" marine mammals without a permit. The term “take” includes actions that harass, feed, hunt, capture, collect, or kill any marine mammal.

The National Oceanic and Atmospheric Administration within the Department of Commerce, is responsible for managing whales, dolphins, porpoises, seals and sea lions. The U.S. Fish and Wildlife Service, within the Department of the Interior, is responsible for managing manatees and dugongs, sea otters, walrus and polar bears.

The MMPA includes provisions for NOAA to authorize and control the taking of marine mammals incidental to commercial fishing operations. [combined from NOAA and other web sites]

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Michael Weiss

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(b) (6) (c)