



## ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

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May 18, 2016

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

Dear Mr. President,

I write to oppose the designation of a marine monument in the Atlantic Ocean canyon and seamount area in depths less than 900 meters. There are no immediate nor documented threats to these areas that would warrant the use of the unilateral Presidential authority encompassed in the Antiquities Act. This Congressional Act was authored in 1906, long before the movement to promote open government. I urge you to not supersede the transparent, public processes currently underway in New England to protect Atlantic Ocean habitat and coral.

Despite the claims of proponents, there are no imminent threats to the habitat and coral in these areas that require expedient action by your Administration. There are no active proposals for oil, gas, or mineral exploration, nor could there be such activity without years of environmental impact assessment and permitting review. Further, multiple fisheries, some Marine Stewardship Council certified, have worked in these canyon areas for decades with such little habitat impact that monument proponents themselves call these areas “pristine” despite 40 years of fishing activity. Importantly, most Atlantic corals are in waters deeper than the areas fished (NOAA’s Deep-Sea Coral Database) and there are no plans or technologies available which would allow these fisheries to shift to deeper waters.

Therefore, I urge you to allow the open, transparent, public processes that now govern ocean planning and habitat protection in the region to continue without threat of unilateral Presidential action. There are a number of federal laws, federal advisory committees, and Executive Orders involved in this issue, and all require transparency in the rule making process. These include: deep-sea coral protections being developed by the New England Fishery Management Council (NEFMC) under authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and National Environmental Policy Act (NEPA); and the forthcoming northeast regional ocean plan, an outcome of the National Ocean Policy established by your Executive Order in 2010. Unlike the Antiquities Act, these directives offer the public an opportunity for meaningful input, require cost benefit analyses, and allow stakeholders opportunities to offer strategies to mitigate

negative impacts. In addition, the above align with the ocean policies set out by your Administration, specifically Executive Order 13563 which states:

*“Sec. 2. Public Participation. [...] Regulations shall be adopted through a process that involves public participation. To that end, regulations shall be based, to the extent feasible and consistent with law, on the open exchange of information and perspectives among State, local, and tribal officials, experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole.”*

As noted in the attached May 4, 2016 letter from Kelley Drye & Warren, Counsel for Fisheries Survival Fund, the Antiquities Act does not require public hearings or public input, and is the antithesis of the goals and objectives you sought by signing Executive Order 13563 “Improving Regulation and Regulatory Review”. I very much applaud your efforts to promote transparency in the governmental regulatory process. Notwithstanding your prior efforts, open government is not merely a short term political convenience, and should be a corner stone of every Administration. Either you believe in open government or not, and conduct yourself accordingly.

I therefore urge you to endorse and implement a transparent public process on this issue and direct the White House’s Council for Environmental Quality to do likewise. To date they have not provided any specifics describing what they intend to advocate on this issue, which makes it virtually impossible to offer comments, suggestions, or gauge impacts.

Should you decide to unilaterally move forward on this issue, I urge you to implement the position put forward by the Atlantic States Marine Fisheries Commission. That alternative is reasonable, will protect the environment, protect a majority of the deep water corals, and allow for continuation of historic fishing practices in the offshore areas.

Thank you for the opportunity to comment; I am happy to discuss the specifics and any questions with your staff.

Sincerely,

A handwritten signature in black ink that reads "Grant Moore". The signature is written in a cursive style with a large initial "G".

Grant Moore  
President, Atlantic Offshore Lobstermen’s Assn.

CC:

Christy Goldfuss, White House CEQ  
Whitley Saumweber, White House CEQ  
Senator Susan Collins  
Senator Angus King  
Congresswoman Chellie Pingree  
Congressman Bruce Poliquin  
Senator Jeanne Shaheen  
Senator Kelly Ayotte  
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Senator Elizabeth Warren  
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