



CONSERVATION LAW FOUNDATION

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New England's Ocean Opportunities for the Obama Administration

We are on the cusp of a new frontier in ocean science and policy with protection and sustainability possible for New England's fisheries and ocean wildlife. New leadership from the Administration of President Obama provides tremendous opportunities to implement much-needed policy reforms to protect New England's ocean wildlife and promote sustainability for coastal communities.

New England's ocean environment is one of the world's richest and most biologically productive marine ecosystems, encompassing thousands of square miles of estuary and offshore marine habitat from Maine to Long Island Sound. However, decades of pollution, coastal habitat degradation, over-fishing and destructive fishing practices and gear have wrought havoc in the form of extensive habitat loss and depleted fish and wildlife populations. Furthermore, global warming is affecting the productivity of our coastal seas in ways that we are only beginning to understand. Restoring and enhancing the health and productivity of this resource is imperative not only for the diversity of fish and other wildlife that reside in New England's ocean waters, but also for the coastal communities that depend on the ocean for their livelihood and quality of life. The first step is to create a responsible and sustainable energy policy. Although the Atlantic shelf holds only 3.31% of all US Outer Continental Shelf oil reserves, oil and gas drilling still threatens New England's oceans and communities. In developing an energy policy we urge the reinstatement of a full moratorium on oil and gas drilling on the eastern Outer Continental Shelf.

Protecting Habitat for Sustainable Fisheries and Ocean Wildlife

The Obama Administration is presented with a tremendous opportunity to move ocean policy forward into a new paradigm of science-based sustainability. Foremost is the great need and opportunity to create a comprehensive management system that coordinates ocean management and uses and recognizes the need for habitat protection. To date, national efforts to address the crisis of our oceans have largely focused on fisheries management and pollution control. Less attention has been paid to the protection of the fundamental building block of a healthy ocean—marine habitat. We ask the Obama Administration to seize the opportunity to protect the vital ocean habitat that supports much of the marine food web and that is critical to the sustainability of our fisheries, communities and ecosystems. In contrast to the single-use focus that now defines ocean management, a national ocean policy that establishes a comprehensive ecosystem-based planning approach would clearly provide better results, both economically and environmentally, in addressing the accelerating demand for ocean resources.

In New England, CLF and a growing chorus of other conservationists, scientists, resource managers and political leaders believe that the establishment of a network of marine protected areas (MPAs) to protect the full range of

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marine habitats and the ocean wildlife they support is an essential and necessary component of any plan for restoring the health of our oceans. At present, important progress is being made around the world to protect ocean wildlife habitat including a major accomplishment with the protection of the northwestern Hawaiian Islands through a presidential National Monument designation. CLF urges President Obama to commit to achieving comprehensive management and habitat protection in New England's ocean waters.

Immediate Opportunities for New England's Ocean Wildlife and Communities

With respect to existing administrative processes, the Obama Administration has immediate opportunities for advancing ocean habitat protection and sustainability by encouraging development of a sustainable and protective management plan for Stellwagen Bank National Marine Sanctuary, a scientifically credible and legally sound habitat protection plan through the New England Fishery Management Council, and by retaining the integrity of the Endangered Species Act and the protection the Act affords the most vulnerable species of ocean wildlife.

Creating Real Protection in Stellwagen Bank National Marine Sanctuary

The National Oceanic and Atmospheric Administration (NOAA) is now in the midst of developing a comprehensive management plan for Stellwagen Bank National Marine Sanctuary, New England's only National Marine Sanctuary and one of only 13 nationwide. CLF and dozens of regional and national groups, dozens of scientists and tens of thousands of citizens have called for protection of the Sanctuary's habitat and for a significant reduction in the impacts of destructive fishing practices on ocean wildlife. The draft management plan, which was released in April 2008, was strong in documenting the multiple sources of damage to Sanctuary resources but very weak in providing change in management actions. The management plan is being developed over the course of 2009 and should be directed toward meeting legal standards and providing real protection for ocean wildlife within the first 100 days of the Obama Administration.

Protecting Marine Habitats for Commercial Fish Species

In an effort to restore New England's fisheries the New England Fishery Management Council (NEFMC) is currently revising all of its fisheries management plans to reduce the impacts of fishing gear on essential fish habitat. As part of that requirement, the NEFMC last year designated 15 new areas as Habitat Areas of Particular Concern (HAPCs)—their most protective designation. These areas encompass some of New England's most important habitat areas for commercial stock production including a very large part of the Great South Channel, essential for the struggling Atlantic cod populations, and several deep sea canyons—astonishingly diverse but vulnerable habitats that support deep-sea corals and other ocean wildlife. Management plans for the HAPCs are now under development and the associated habitat protection plan, which is legally required to minimize the habitat impacts of fishing gear, is scheduled to be released by the NEFMC in late 2009. Leadership by the Obama Administration through NOAA's oversight of this effort can ensure that this process meets the standard of law and provides the needed habitat protection that is vital to recovery of New England's once great commercial fisheries.

Saving Our Most Endangered Marine Wildlife

For nearly 40 years the Endangered Species Act (ESA) has been an essential legal means of preventing the extinction of America's wildlife. The ESA requires a recovery plan and the designation of "critical habitat" for each listed species. This year CLF filed a petition to list as endangered the Atlantic wolffish (*Anarhichas lupus*), one of only two deep-water, offshore marine fishes ever proposed for protection. We urge NOAA's support for protection of this important species. In addition to the Atlantic wolffish, CLF has great concerns about a range of marine species such as the cusk, Atlantic salmon and the North Atlantic right whale. It is vital that the habitat of these species be adequately protected and the ESA be properly enforced, yet "midnight regulations" from the Bush administration seek to dismantle significant components of the ESA. CLF seeks real protection for threatened and endangered wildlife and their habitat and urges that if the harmful Bush administration regulations are promulgated, they be immediately suspended and rescinded by the new Administration.



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Effective Implementation of the Magnuson-Stevens Reauthorization Act

The New England Fishery Management Council is currently in the process of developing a new management plan for the multi-species groundfish complex. This management effort regulates fishing on some of our most iconic species, including Atlantic cod and haddock. We are fortunate to have strong leadership at the council leadership but we need to reinforce that leadership by strong leadership from NOAA Fisheries, particularly with respect to the new provisions that were enacted by the recent reauthorization. To that end, we need to have strong agency guidelines produced interpreting national standard 1 on overfishing and national standard 2 on best scientific advise. CLF, together with many other groups, has submitted extensive comments directed at improving the draft guidance and we urge the new Administration to adopt these recommendations. We also urge the new Administration to withdraw the draft regulations that were developed to bring fishery management planning in line with NEPA requirements. Again, the agency already has extensive comments outlining the basis for our concerns. Finally, we need NOAA Fisheries to ensure that all fisheries in New England are managed under hard quotas by the start of the May 2010 fishing year, so that the current incentives and tolerance for overfishing—which has caused so much damage to the rebuilding opportunities of these fisheries and has been so devastating on coastal fishermen—are stopped. We strongly support the sector-based approaches that many in this region are now pursuing and would welcome expanded assistance from the regional office for these important but fledgling efforts.

Long-term Priorities for New England's Ocean Wildlife and Communities*Protecting Ocean Wildlife and Habitat from Offshore Oil and Gas Drilling*

Just as New England's White Mountains have Mount Washington, the Gulf of Maine has Ammen Rock as the pinnacle of Cashes Ledge. Sitting roughly 80 miles due east of Gloucester, Massachusetts, Cashes Ledge is an underwater mountain ridge about 22 miles in length and 17 miles wide that holds an amazing array of ocean wildlife and one of the ocean's deepest kelp forests. A strong oceanic gyre brings in nutrient-laden cold water that feeds the cod, pollock, whales and tuna that are attracted to this site. This marine ledge is also home to the rare Atlantic wolffish and the cusk (*Brosme brosme*), two species that are being considered for protection under the Endangered Species Act. Cashes Ledge is just one example of the incredibly diverse and productive special places in New England's ocean that have been protected for fisheries production and wildlife through regulation that limits bottom trawling or dredging but are still at risk to oil and gas drilling. Similar spectacular and important seascapes are found on and around Georges Bank. Because of current circulation patterns throughout the Gulf of Maine, an oil spill or other drilling pollution event would be impossible to contain and the potential damage to fisheries could be long lasting. There is no reason for oil and gas development in New England's oceans and we urge the reinstatement of a full moratorium on oil and gas drilling on the eastern Outer Continental Shelf. As the Obama Administration works with Congress in its deliberations over a new energy bill we encourage the incoming administration to use this great opportunity to permanently protect Cashes Ledge, Georges Bank and other areas that are vital to restoring fish and wildlife populations from future offshore oil and gas development or other destructive activities.

Safeguarding New England's Deep-Sea Corals

Many spectacular corals—and the fish and other wildlife that gather near them—are found in New England's deep ocean waters. Coral hotspots are found throughout the Gulf of Maine in places like Stellwagen Bank and Georges Bank and are most abundant at the edge of the continental shelf slope, particularly on the ledges and in the undersea canyons that radiate from Georges Bank. The ecosystem role and value of deep-sea corals have been a research priority of marine scientists for several years. Recent data on these critical coral communities show that healthy corals are magnets for fish as they grow and reproduce in deep-sea havens sheltered from harsh currents and predators. Many of these coral formations have grown over hundreds of years and are particularly vulnerable to human activities, including the fishing and the destructive gear used to capture bottom-dwelling fish like cod and sea scallops. The Obama Administration has a prime opportunity to bring protection to these deep sea treasures



through serious administrative designations or through a pro-active legislative effort such as reauthorizing the Coral Reef Conservation Act to include and protect New England's deep sea coral species. In addition, increased funding for research, mapping and protection enforcement for corals would greatly complement the NEFMC process to establish protective habitat plans for the coral canyons off Georges Bank that have been recently designated as HAPCs.

Strengthen the National Marine Sanctuaries Act

The House Natural Resources Committee, supported by a coalition of conservation groups and scientists, recently worked towards improvements in the National Marine Sanctuaries Act in order to create real protections for our nation's Marine Sanctuary reserves. However, an indifferent Bush Administration effectively eliminated any prospects of further progress on the legislation in 2008. The Obama Administration is poised to achieve substantial protection for New England's Stellwagen Bank Sanctuary and other sanctuaries around the nation by reauthorizing the NMSA to lift the current moratorium on new sanctuaries, provide legislative authorization for the creation of protected habitat areas and other ocean heritage sites, promote comprehensive ecosystem-based zoning, provide managers with the ability to directly establish fisheries management regulations and clarify that the conservation of ocean wildlife is the purpose of the Sanctuary system.

Expanding Estuary Restoration Opportunities in New England

CLF has worked closely and effectively with Restore America's Estuaries, NOAA's Restoration Office, and U.S. Fish and Wildlife Service to restore estuary and river habitats in the Gulf of Maine and southern New England. These are very important efforts and there is a great deal more restoration that could be accomplished rapidly with additional funding through NOAA's Community Based Restoration Partnerships and other programs. This program is a good example of an effort that creates jobs while the environment is improved and we have many on-the-ground projects in the pipeline waiting for funding. Moreover, these projects increase the productivity and health of the marine and coastal ecosystems, producing more fish that can be harvested by future generations. Similar estuary restoration efforts are underway in all regions of the country.