



August 8, 2022

John Armor
Director
NOAA Office of National Marine Sanctuaries (ONMS)
601 Georgia Ave., Ste 504
Silver Spring, MD 20910

Re: Notice of Intent To Conduct Scoping and To Prepare a Draft Environmental Impact Statement for the Proposed Hudson Canyon National Marine Sanctuary

Dear Director Armor:

Thank you for the opportunity to comment on the Notice of Intent regarding the proposed Hudson Canyon National Marine Sanctuary (NMS) designation. The American Saltwater Guides Association (ASGA) is a coalition of recreational fishing guides, small businesses, and conservation-minded anglers who find greater value in long-term stock abundance rather than simply maximizing harvest. Hudson Canyon is a highly productive area for pelagic and demersal species that supports a broad range of fisheries, and our top priority is to ensure continued sustainable use of this area through science-based management approaches that promote its ecological health. That being said, we cannot support this effort if a Hudson Canyon NMS designation could prohibit or otherwise restrict recreational fishing beyond the regulations developed and implemented by the existing interstate, regional, and federal fisheries management entities.

Fisheries Management Authority Should Remain Unchanged

Given the immense importance of Hudson Canyon's fisheries, in considering the potential designation of a Hudson Canyon NMS, we insist in the strongest possible terms that sole authority for fisheries management in the area should continue to rest with the regional fishery management councils, the Atlantic States Marine Fisheries Commission, and NOAA Fisheries (NMFS). Data on recreational fishing activity in Hudson Canyon are limited due to the lack of spatial resolution in for-hire catch and effort estimates¹ and the complete lack of spatial information for private anglers; however, the canyon is frequented and relied upon by private anglers and for-hire captains alike, including many of ASGA's members based in southern New England, New York, and New Jersey. Each summer and fall, it is not uncommon to observe dozens or even hundreds of recreational vessels in the area as they pursue pelagic species such as dolphinfish (mahi mahi) and bigeye and yellowfin tuna, as well as demersal species such as golden tilefish.

The bodies mentioned above have largely been effective at sustainably managing fisheries in Hudson Canyon through an inclusive and transparent process; additionally, federally managed

fisheries in the area must adhere to the requirements of the Magnuson-Stevens Act that bases regulatory actions on the best available science and includes ample opportunities for stakeholder engagement. For example, in 2015, the Mid-Atlantic Fishery Management Council (MAFMC) approved the Frank R. Lautenberg Deep Sea Coral Protection Area, which included Hudson Canyon and restricted most bottom-tending gears to protect critical deep sea coral habitats.² Stripping the MAFMC and other existing managers of authority within a Hudson Canyon NMS could both undermine stakeholder trust in the management process and jeopardize sustainable fisheries in the region. As a result, it imperative that the current management entities continue to regulate fisheries in Hudson Canyon.

A Potential Sanctuary Designation Must Exclude *All* Concerning Ocean Uses

The ONMS's stated goal is to "[protect] important natural and cultural places, while still allowing people to enjoy and use the ocean."³ However, while NMSs are protected by statute from oil, gas, and mineral exploration and extraction, it is unclear whether similar restrictions apply to emerging industrial uses that could also pose risks to ecological integrity of the area, such as offshore wind development (OSW) and open-ocean aquaculture. While we have seen some indications that OSW development is not permitted in some NMSs,⁴ our understanding is that there continues to be confusion between the Bureau of Ocean Energy Management and NMFS as to whether that is the case across all NMSs.

While ASGA understands the need for OSW to curb carbon emissions and is working to help managers and stakeholders navigate solutions,⁵ the lack of exclusion of such an industrial use in an ecologically significant and sensitive area is concerning. While OSW development, offshore aquaculture, and other uses are not yet under consideration for development in Hudson Canyon, an assurance to fishery stakeholders that such activities would not be allowed is sorely needed.

In conclusion, without clarity regarding a) whether fisheries management will continue under the current authorities and b) the extent to which all industrial uses will be restricted, ASGA cannot provide further comments regarding the proposed designation of the Hudson Canyon NMS. We are hopeful, for the benefit of recreational fishery and other stakeholders, that the ONMS will be able to provide further details to ensure that sustainable use and ecological integrity will continue to be a feature of Hudson Canyon in the years to come.

Thank you again for the opportunity to comment and we will be following this proposed action closely moving forward.

Sincerely,



Tony Friedrich
Vice President and Policy Director
American Saltwater Guides Association
tony@saltwaterguidesassociation.org



Willy Goldsmith, Ph.D.
Executive Director
American Saltwater Guides Association
willy@saltwaterguidesassociation.org

CC: Janet Coit, Assistant Administrator for NOAA Fisheries;
Mike Pentony, Regional Administrator, Greater Atlantic Regional Fisheries Office,
NOAA Fisheries;
Russell Dunn, National Policy Advisor for Recreational Fisheries, NOAA Fisheries;
Tom Nies, Executive Director, New England Fishery Management Council;
Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council;

¹ NMFS Greater Atlantic Regional Office. June 2022. GARFO Analysis: Assessment of Recreational For-Hire Landings and Revenues in Original Nominated Area. https://www.mafmc.org/s/Hudson-Sanctuary-WCS-proposal-area-MAFMC-June-2022_rec.html. Due to the paucity of spatial resolution this is an extreme underestimate of for-hire activity occurring in the vicinity of Hudson Canyon (35-185 trips annually from 2008-2020).

² Mid-Atlantic Fishery Management Council. December 14, 2016. NOAA Fisheries Announces Final Rule on Mid-Atlantic Council's Frank R. Lautenberg Deep Sea Coral Protection Area. <https://www.mafmc.org/newsfeed/2016/noaa-fisheries-announces-final-rule-on-mid-atlantic-councils-frank-r-lautenberg-deep-sea-coral-protection-area>.

³ NOAA National Ocean Service. National Marine Sanctuaries. <https://oceanservice.noaa.gov/ocean/sanctuaries/> (visited August 1, 2022).

⁴“BOEM does not have authority under the OCS Lands Act to issue leases, right-of-way grants, or right-of-use and easement grants within any unit of the National Marine Sanctuary System.” Bureau of Ocean Energy Management. 2022. Pacific Wind Lease Sale 1 (PACW-1) for Commercial Leasing for Wind Power on the Outer Continental Shelf in California-Proposed Sale Notice. Federal Register 87:104(31 May 2022):32443-32458.

⁵ American Saltwater Guides Association. May 2021. Offshore Wind Development Policy Platform. https://saltwaterguidesassociation.com/wp-content/uploads/2021/05/ASGA-Wind-Policy-Platform_May-2021.pdf.