

Pacific Remote Islands Marine National Monument Expansion Proposal

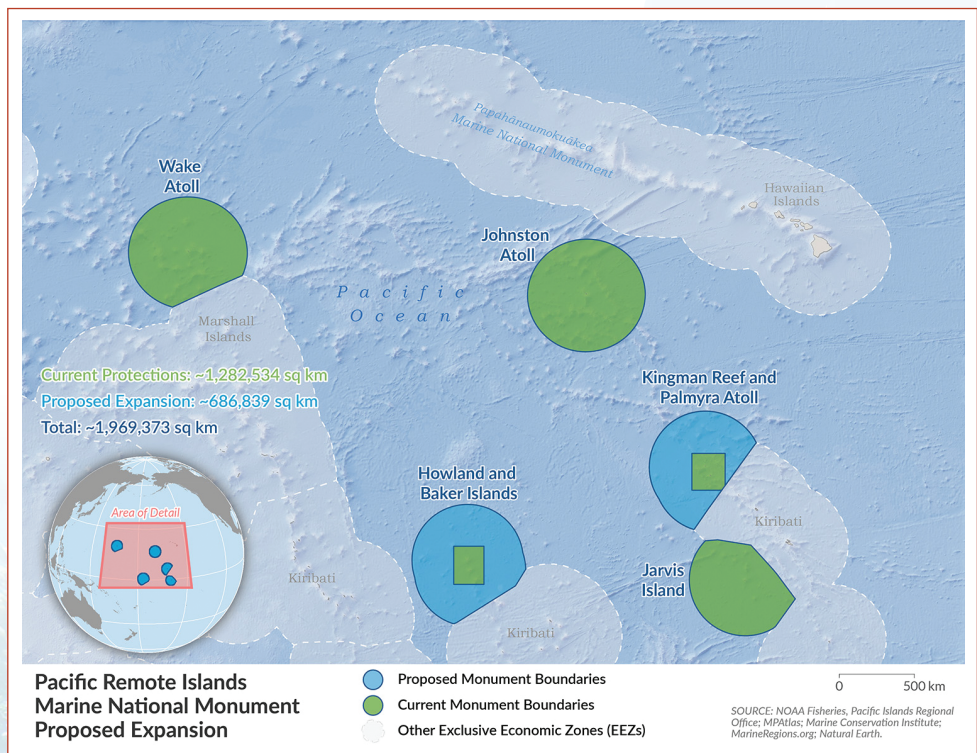
Editor's Note: The Western Pacific Regional Fishery Management Council discussed at its 191st meeting a proposal to further expand the Pacific Remote Islands Marine National Monument (PRIMNM), closing waters 50 to 200 nautical miles seaward of Palmyra Atoll, Kingman Reef and Howland and Baker Islands. This is equivalent to nearly half of the Gulf of Mexico. The existing PRIMNM closes all waters 0 to 200 nm around Wake Atoll, Johnston Atoll and Jarvis Island, and waters 0 to 50 nm from the proposed island areas. Council member quotes are taken from the June 2022 meeting.

Under the Magnuson–Stevens Fishery Conservation and Management Act (MSA) the United States has exclusive fishery management authority over all fishery resources found within its exclusive economic zone (EEZ) (i.e., 3-200 nm). The Western Pacific Regional Fishery Management Council has authority over the fisheries based in, and surrounding, the State of Hawai'i, the Territories of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI) and the U.S. Pacific Remote Island Areas (PRIA) of the Western Pacific Region. The PRIA are unique and unlike the territories due to their remoteness, lack of infrastructure and uninhabited nature. The PRIA comprise Baker, Howland and Jarvis Islands; Johnston, Wake and Palmyra Atolls; and Kingman Reef. Each highly productive island area offers immense biodiversity within its coral reef ecosystem and bolsters U.S. fisheries by providing access to resources. As a result, the Pacific Remote Islands Marine National Monument (PRIMNM) was established

CONTINUED ON PAGE 2

“The Antiquities Act was intended to protect burial sites and relics of indigenous people. It is not an appropriate approach to marine conservation - we have the MSA for that,” said John Gourley, Council vice chair from the CNMI. “Monument designation bypasses the courtesy of involving affected communities. Monuments are an unfunded mandate, and their designation does not mean that there will be money to support enforcement of regulations by the U.S. Coast Guard. This happened with the Marianas Trench Marine National Monument—it’s a paper park. **It seems like there’s more concern about who has the largest monument than about what the purposes of the monument are.”**

Hawai'i Council member Matt Ramsey said, “To avoid unintended consequences, it’s critical that stakeholder engagement occurs early on in the process of developing a fisheries management proposal. **Those most impacted by a management action need to have an opportunity to learn about the proposed action and share their perspective.”**



Council Vice Chair from Guam Manny Dueñas said, “Based on fish tagging, some fish travel great distances. **Closing these waters to protect migratory fish is futile when the fish move everywhere. When you expand this conservation effort to 200 nm, who are you actually conserving it for?** Because if you have a foreign fleet surrounding each of our EEZs, you’re only saving it for them because you’re not allowing U.S. vessels to go in there and fish.”



by President Bush in 2009 under the Antiquities Act and extended 50 nm from each island area. Over time, the importance of these island areas became clearer, leading to expanded protection by President Obama to 200 nm for Wake, Johnston and Jarvis. In 2022, a coalition proposed to President Biden to further expand the monument for the two remaining island areas to 200 nm. While this second expansion would also carry similar conservation measures (that are already upheld to 50 nm), there are significant negative implications that apply unnecessary burdens to U.S. fishermen participating in the American Samoa-based purse seine fleet.

The Antiquities Act that presidents use to establish monuments is not a transparent process, but implemented through a “top-down” approach that conflicts with equity and environmental justice principles.



Purse seiner in Pago Pago Harbor, American Samoa. Photo: Dave Hamm.

Big Picture and even Bigger Unintended Consequences to American Samoa and the US

The high seas, which are international waters beyond national jurisdiction or outside any nation’s EEZ, are where U.S. fisheries primarily operate due to existing marine national monuments, including the PRIMNM. Pacific Island states within the Western and Central Pacific Fisheries Commission (WCPFC) management regime seek to limit high seas fishing and to increase the value of fishing access agreements in their own EEZs. U.S.-flagged American Samoa purse seine vessels are also subject to seasonal restrictions to fishing with fish aggregating devices (FADs). More restrictions to U.S.-flagged vessels, including fish-

ing access, jeopardize the American Samoa economy. The proposed expansion of the PRIMNM would only restrict U.S.-flagged vessels, possibly leading them to reflag under other nations where existing domestic and international conservation measures are far more lax. Since 2018, the U.S. tuna purse seine fleet, which supplies the American Samoa tuna cannery, has dwindled from 38 vessels to 15 vessels today.

The StarKist cannery in Pago Pago employs 5,000 of the territory’s workforce of 18,000. Following the closure of one of two canneries in American Samoa more than a decade ago, the gross domestic production fell by 25%. Closing the remaining U.S. waters of Howland and Baker Islands, and Palmyra Atoll and Kingman Reef forces U.S. purse seiners to fish farther away from American Samoa and thereby deliver their catch to closer ports, like Ecuador. Another cannery closure would lead to an economic catastrophe.

Counterproductive to Conservation: Who Benefits From Weakening US Pacific Fisheries?

Tuna stocks managed internationally through the WCPFC and caught within the proposed PRIMNM expansion areas are not overfished and are harvested at sustainable levels. WCPFC manages purse seine tuna fishing through a balance of fishing effort within national waters with limits on the high seas. Revenue could be generated by fishing vessels flying the flag of a small island developing states (SIDS) nation, for which these vessels may be exempt from conservation and management measures (CMMs) including fishing closures or seasonal closures on the use of FADs. These fishing arrangements are often the leading source of external revenue for some SIDS. However, the capitalization of fishing access under the WCPFC management regime has often led to some fishing fleets being exempt from CMMs, many of which are important for conservation and reducing impacts on nontarget species.

The U.S. purse seine fleet and other U.S.-flagged vessels catch skipjack tuna in waters surrounding the PRIA. Skipjack tuna are a highly migratory species that traverse the PRIA and pay no attention to jurisdictional boundaries.



Photo: U.S. Government Accountability Office.

“American Samoa Governor Lemanu’s letter to the president voicing the territory’s opposition to the proposed expansion is clear on the disproportional burden it will place on the territory and its fishing industry,” said Council Chair Archie Soliai from American Samoa. **“The only impact that this will have is on the U.S. fleet. It won’t have anything to do with the international arena because those fleets continue to fish right outside of our EEZs. An expansion of this is only going to help them and creates an even more uneven playing field for American Samoa and the U.S. fleet.** More than half of the people in American Samoa live below the poverty level. If the president signs off on this, it will be in conflict with his executive orders [EO 13985 and EO 14008] on advancing equity and environmental justice in underserved communities.”

The proposal to expand the PRIMNM would only affect U.S. fishing vessels, which comprise less than 5% of fishing effort in the Pacific at any given time. U.S. fisheries are known to be the “gold standard” and adhere to some of the most stringent regulations to protect biodiversity and maintain monitoring. Supplanting U.S. tuna production with foreign fisheries would likely come with negative impacts on conservation goals, while harming U.S. Pacific state and territory economies. Replacing U.S. fisheries with foreign fishing effort can exacerbate existing conservation issues for protected species (mammals, turtles and sharks) and even socioeconomic issues such as food security and human rights.

Meanwhile, heavily subsidized fisheries such as those from China (Sumaila, et al., 2019; Hopewell, 2021) operate without the ethos for conservation like those managed under the MSA and other U.S. laws. Instead, these fisheries are subsidized with billions of dollars annually deemed harmful to global markets and sustainability because they are used mainly for fuel and increasing fishing capacity. Subsidies are also used to access the national waters of many SIDS through the promise of sustained development and infrastructure projects. China’s Belt and Road Initiative (VOA News, 2022) has created an opportunity for China to influence Kiribati. This island nation’s expansive EEZs border much of the PRIMNM, and its capital is closer to Hawai‘i than the continental United States. Kiribati recently withdrew from the Pacific Islands Forum, a direct result of Chinese influence in the region. This has made the Pacific Islands a centerpiece of geopolitical brokering (*The Guardian*, 2022) where fisheries are the biggest source of national development and a shared economic commodity for food security.

By virtue of its influence in Kiribati, China has also enjoyed privileges intended for SIDS in the WCPFC to exempt themselves from disproportionate conservation burdens. For example, in 2020 Kiribati notified the WCPFC that 15 Chinese-flagged purse seine tuna vessels would be exempt from seasonal closures to FADs. The FAD closure was intended to reduce incidental catch of nontarget species in purse seine fisheries. Meanwhile, U.S.-flagged vessels based out of the WCPFC Participating

Territory of American Samoa are expected to carry the conservation burden of restricted fishing on FADs. China, in an effort to gain more fishing access and counter U.S. interests in the Pacific, has convinced Kiribati to open one of UNESCO’s largest designated marine protected areas (MPAs), the Phoenix Islands Protected Area (PIPA) (*The Guardian*, 2021). Chinese fishing ventures are benefiting from new access to the tuna-rich waters. China is planning to develop a large airstrip on a former U.S.-owned atoll, and Kiribati has abandoned its partnership with Taiwan in exchange for a \$66 million grant from China (*1News*, 2021).

So what entity lies immediately adjacent to the soon-to-be fished PIPA? The answer is: the U.S. EEZ around Howland and Baker Islands, which is part of the proposed PRIMNM expansion. The Line Islands, also part of Kiribati and where Chinese fisheries operate, are adjacent to the U.S. EEZ around Palmyra. If the ecological theory behind the benefits of large MPAs holds true, the expansion would render Chinese fishing interests the unequivocal beneficiary, while weakening U.S. fisheries and all other U.S. interests. The move would be a costly conservation gain achieved at the sole expense of well-regulated U.S. fisheries.

Council Vice Chair from American Samoa Will Sword noted, “We need to keep the limited opportunities we have for fishing. We don’t have enough people going fishing and using our resources properly. If you don’t use them, you don’t appreciate them. I think that is very important for us to continue to promote fishing within our waters, not just close it off entirely. **Our production and our livelihood in American Samoa have been affected with the rapid reduction in purse seiners since 2014. You need to go back and come up with something that will not impact at least our underserved communities.”**

Possible International Restrictions on the High Seas

New negotiations through the Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) may create the possibility for area-based management or MPAs on the high seas (United Nations, 2022). BBNJ may further restrict U.S. fishing access if negotiations lead to BBNJ supplanting existing bodies like the WCPFC and suggest the need for high seas fisheries closures as well. Moving fishing access of distant-water fleets from the high seas to the EEZs of SIDS would ensure that revenue could be generated for these nations through fishing access fees, arranged between fleets and the host island nation. Given the value of fishing access agreements within national waters of many Pacific Island states, the Western and Central Pacific may see the first high seas MPAs under the BBNJ framework.

So where will the world's most regulated and well-monitored fisheries be left to operate? What incentive will fleets have to operate in the same manner of the United States? What message does this send the world in terms of conservation if the United States closes its own waters, affecting solely its

own fisheries, while having little control over international governance? The global demand for fish and protein is not expected to decline, but likely to increase. Degrading U.S. fishery opportunities will only lead to global demand being saturated with subsidized fisheries and with loosely regulated fisheries supplanting well-managed fisheries like those in the United States. This will not only come at the detriment of U.S. consumers and fisheries, but at the expense of conservation.

State of Fishery Closures and America the Beautiful “30x30” in the US Western Pacific

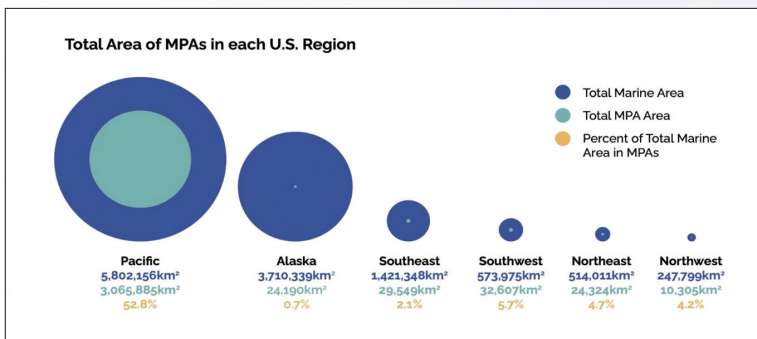
The Council manages more than 1.7 million square nm of ocean, the largest among the eight regional fishery management councils, and 53% are subject to fishing prohibitions through the establishment of marine national monuments. According to Sullivan-Stack et al. (2022), 27% of U.S. marine waters are at least “highly or fully” protected, of which nearly all of those waters are in the Pacific.

“The Western Pacific Region has met 97% of President Biden’s ‘30x30’ goal to conserve 30% of all U.S. lands and waters by 2030 with its existing marine managed areas,” stated Council Chair Archie Soliai.

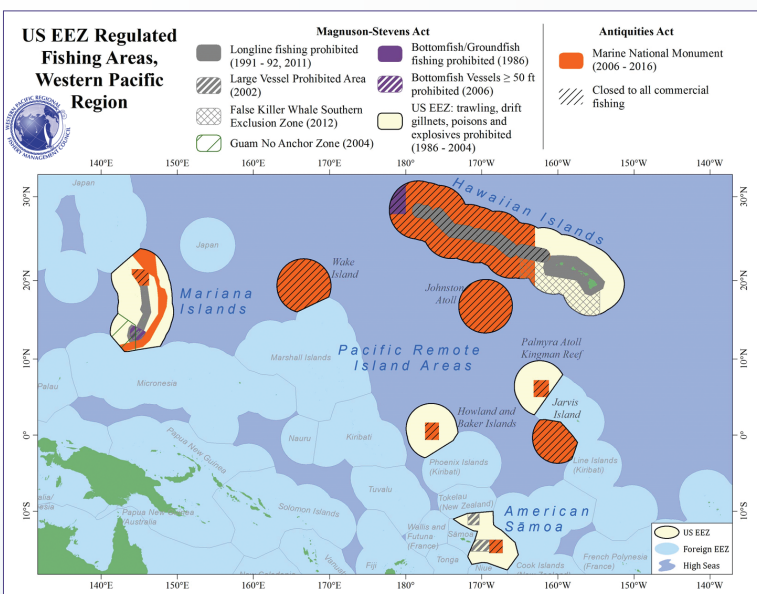
The proposal for further expansion of the PRIMNM even states that the expansion would push the United States to more than 31% of its waters set aside for “conservation.” A definition of a conservation area has yet to be adopted. The traditional sense of conservation promotes the sustainable use of natural resources into perpetuity without jeopardizing biodiversity. Why would the United States need to further close areas to all fishing if the MSA is already designed to sustainably use fishery resources and protect biodiversity? *Why must the Western Pacific carry the burden for the entire United States, affecting marginalized Pacific Island communities in faraway islands?*

At its June 2022 meeting, the Council requested NOAA and the Council for Environmental Quality (CEQ) adopt a Council Coordination Committee (CCC) area-based management subcommittee’s proposed definition of conservation area to identify qualifying regions in the 30x30 initiative.

“The Council has a golden opportunity to support what the CCC has done, and help NOAA and the CEQ move forward with a sensible and fair definition of conservation that not only includes provisions to protect biodiversity, but also promotes wise use of fisheries,” said Will Sword, Council vice chair from American Samoa.

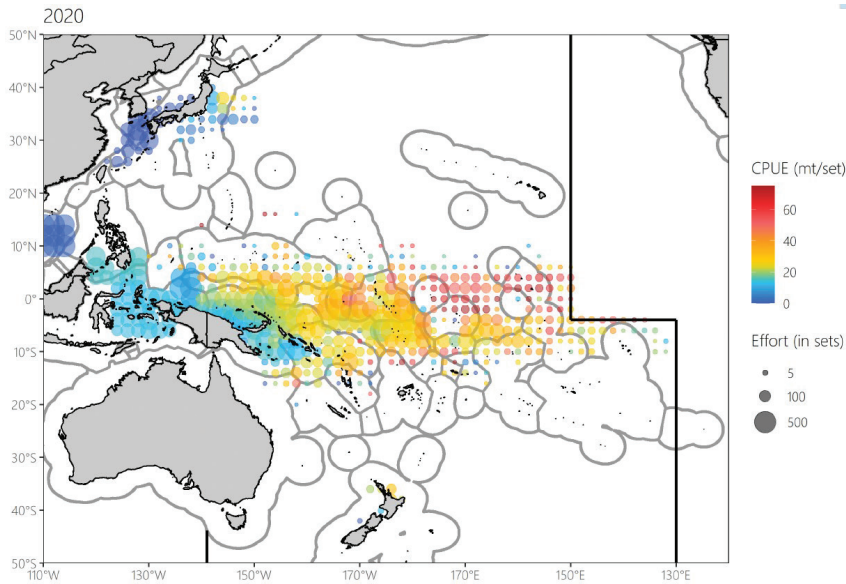


Source: Sullivan-Stack et al., 2022.



Will Monument Expansion Solve the Ocean's Problems?

Scientific evidence does not support the notion that large static closed areas provide adequate protections for dynamic open ocean ecosystems, like the proposed PRIMNM expansion area. Tuna fisheries in these waters do not interact with reef or sensitive habitats. As noted, highly migratory marine life like tunas, sharks, turtles and whales do not acknowledge political boundaries and shift their distributions throughout the dynamic ocean. These ecosystems are best protected through strengthening international conservation compliance for all nations, eliminating harmful subsidies from foreign fisheries, and combating climate change directly.



Distribution of 2° x 2° purse seine effort (represented by circle size) and skipjack tuna catch-per-unit-effort (represented by color) in the WCPFC Convention Area for 2020. Note the high productivity (pink to red circles) of the equatorially located PRIA. Source: Hare et al., 2021.

area-based management tool. Pons et al. (2022) used real data-driven case studies in similar highly dynamic “blue water” ecosystems to show that adaptive and dynamic management tools are significantly more effective at protecting biodiversity than large stationary MPAs. Species with stationary critical habitats associated with nearshore coral reef tracks already have 50 nm of water around them closed to fisheries in the PRIA. Tuna fisheries neither interact with these ecosystems nor with deep habitats associated with the seafloor. The proposed expansion area is a parcel of a blue water ecosystem where benthic static habitats are hundreds to thousands of feet deep, away from fishing activity targeting tunas.

Kuempel et al. (2019) states that areas with the highest level of protection are often the ones with the least abatable threats to biodiversity and strongest governance structures (like the MSA). The analyses included the MPAs already in the U.S. Pacific EEZs. *This study warns against making MPAs out of political convenience rather than addressing threats.*

Existing stressors to the Pacific Islands are related to climate change resulting from carbon emissions, overdevelopment of coastal habitats and plastic pollution, among others. U.S. fishing does not occur in these areas at high enough levels to be a threat to biodiversity and domestic fisheries are well-managed to minimize conservation threats to biodiversity. Principal tuna species in the Western and Central Pacific Ocean *are not overfished nor experiencing overfishing* (yellowfin, bigeye, skipjack, albacore) www.wcpfc.int/current-stock-status-and-advice.

Climate change is known to be a process that shifts the distributions of highly migratory species like tunas, sharks, turtles, whales, etc. So why would static closures have any appreciable impact to mitigate climate change? Closing these areas to fishing while stock distributions are shifting can be counterproductive, driving fishing activity outside existing governance frameworks and into areas with more threats to conservation.

To address existing stressors, the Council continues to support and strengthen international management in collaboration with the WCPFC and other nations. In doing so, it is necessary to ensure access to pelagic fisheries in U.S. waters where illegal, unregulated and unreported fishing often occurs. Otherwise, resources historically targeted by U.S. fishermen that enter domestic markets will be off limits to local fishermen and made accessible to foreign fleets.

Recent science does not support the notion that static and large closures are best suited to conserve and protect biodiversity in highly dynamic open ocean ecosystems. Much of the conventional wisdom advocating for large fixed MPAs comes from studies focused on nearshore ecosystems. Hilborn et al. (2022) demonstrated that protection of biodiversity using static large closures is not proven to be more effective than input/output controls or any other alternative

CNMI Council member McGrew Rice noted, “We need to consider that the Pacific Remote Islands monument is surrounded by more than 3,000 foreign vessels that fish in the Western and Central Pacific Ocean. **All it’s doing is increasing fishing privileges for competing foreign fleets that don’t manage to our standards.”**

Historical Use of the Pacific Remote Island Areas

The PRIA has a history of being exploited for its natural resources (e.g., guano) and for solidifying U.S. interests in Oceania. Whatever its use, Baker, Howland and Jarvis Islands; Johnston, Wake and Palmyra Atolls; and Kingman Reef have continued to provide an area for U.S. fisheries to access while species move, climate change worsens and a conservation-driven agenda threatens to close high seas waters to fishing.

There is a long history of commercial fishing in the PRIA. From 1988-2007, the State of Hawai'i commercial data indicate troll and handline vessels caught 51,740 pounds of pelagic fish and 19,095 pounds of bottomfish and reef fish at Johnston Atoll, and Kingman Reef and Palmyra Atoll.

The largest volume of fish commercially harvested from the PRIA in the past few decades is pelagic fish caught by longliners home ported in Hawai'i and tuna purse seiners home ported in American Samoa. Between 1991 and 2007, Hawai'i longline vessels caught on average ~1.24 million pounds of fish from the U.S. EEZ around Johnston, Kingman and Palmyra, and Jarvis. About 60% were caught in the U.S. EEZ around Kingman and Palmyra, and most of the remainder came from the EEZ around Johnston. U.S. purse seine vessels fished in this area between 1997 and 2007, with 25% of their total catch coming from the PRIA in 1997 (~35,000 metric tons), mainly from the U.S. EEZ around Howland and Baker Islands.

Attempts made to explore lobster, red crab and deepwater shrimp fishing in the same areas were unsuccessful. The Nature Conservancy, which owns Palmyra Atoll, has offered recreational fishing in the area, but no data are available. NMFS issued several federal fishing permits prior to, and after monument designation, but the catch and operation of vessels under the permit cannot be revealed due to confidentiality requirements.

For more information on the PRIA Fishery Ecosystem Plan, visit www.wpcouncil.org/fishery-ecosystem-plans-amendments/pacific-remote-islands-area-fishery-ecosystem-plan.

Importance of US Pacific Remote Island Areas for Fishery Access

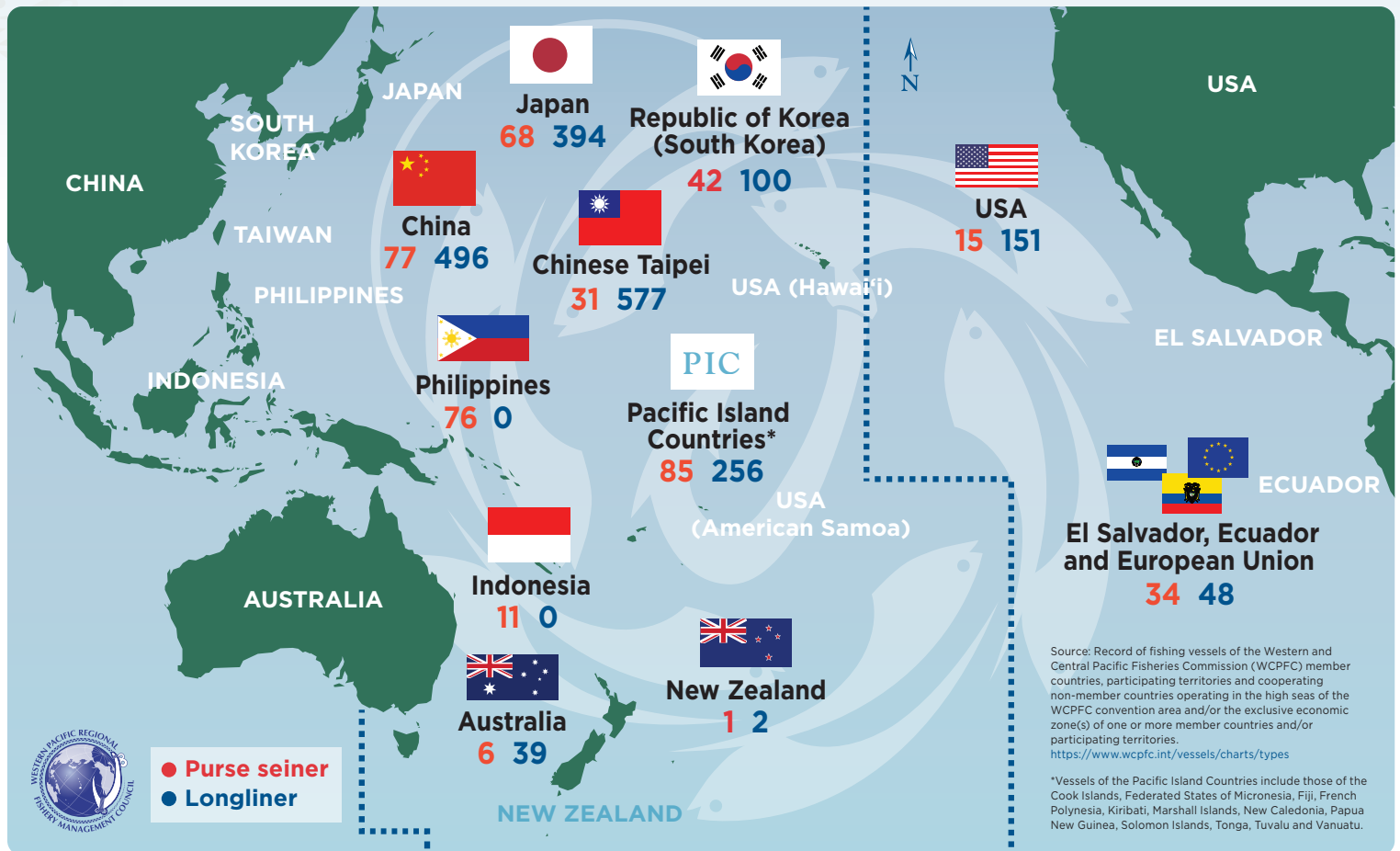
In 1953, scientists from the U.S. Bureau of Commercial Fisheries (now known as the National Marine Fisheries Service, or NMFS) reported on experimental tuna purse seine fishing opportunities in the Central Pacific. Fishing expeditions included the Hawaiian Islands, Phoenix Islands (now part of Kiribati), the Line Islands (mostly Kiribati), and waters inside the U.S. EEZ around the PRIA (Murphy and Niska, 1953). Purse seine fishing for skipjack tuna in the lower latitude and equatorial tropics was considerably more efficient than the use of traditional pole-and-line fishing (i.e., aku boats) that required access to high volumes of live bait. Skipjack tuna was needed in high volume to supply tuna canneries in Honolulu and throughout the Pacific. Skipjack also became increasingly important for the diet of Pacific Island communities. Waters around the PRIA and Kiribati are ideal for tuna purse seining. The warm tropical waters are biologically optimal for the highly prolific skipjack tuna, whose dense schools traverse the equatorial Pacific in search of bait masses. Most importantly, the area's calm weather and lack of trade winds ensure safe and feasible vessel operations.

In the following decades, international agreements and arrangements managed tuna fisheries through effort, catch and fishing access limits. In 1994, a multilateral high level conference for management of tuna fisheries was formed. The WCPFC was established in 2000 by the "Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean," and codified in June 2004. A major component of the WCPFC Convention text is to *reduce or remove disproportionate burdens* to SIDS and participating territories in any CMMs by granting them special privileges. American Samoa, Guam and the CNMI are considered participating territories.

The waters accessible to fishing within the U.S. EEZs around Palmyra Atoll/Kingman Reef and Howland/Baker Islands are the remaining Pacific waters where U.S.-flagged purse seine vessels can operate without paying exorbitant fishing day-access fees. These areas are also relatively close to American Samoa, where vessels can offload their catch and support the territory's largest employer.

Restricting the United States from fishing in its own waters—areas where U.S.-flagged vessels can operate—does not correspond with the nature of how tuna fisheries are managed. It can also cause vessels to reflag to SIDS nationalities so they may be exempt from WCPFC CMMs or domestic laws. Fewer U.S. vessels fishing in the WCPFC Convention Area will reduce supply to the American Samoa cannery and create negative impacts on conservation.

Fleet Sizes of Longline and Purse-Seine Vessels in the Western and Central Pacific (2 July 2022)



“With the additional restrictions that keep getting placed on indigenous fishermen, pretty soon no one will be able to go fishing. This is adding another disproportionate burden, but for U.S. citizens. This has got to stop,” emphasized Monique Amani, Council member from Guam. **“During the pandemic, the islands came together to utilize their subsistence traditions of fishing to support each other. People in the U.S. Territories have always been treated like second-class citizens and the federal government just comes in and tries to take our land, tries to take our waters, tries to take everything from us. Monuments should be on land or somewhere that people can actually see them.”**

Council members continued to express frustration with restricted access to fishing within monuments and sanctuaries in their areas. **“What is the point of a monument expansion?” asked Guam Council member Chelsa Muña-Brecht. “Is it to preserve the pretty fish in the area? It doesn’t serve the community and doesn’t level the playing field between U.S. and foreign fishers.”**



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LIST OF ACRONYMS

BBNJ	Marine Biodiversity of Areas Beyond National Jurisdiction
CCC	Council Coordination Committee
CEQ	Council for Environmental Quality
CMM	conservation and management measure
CNMI	Commonwealth of the Northern Mariana Islands
EEZ	exclusive economic zone
EO	executive order
FAD	fish aggregating device
MPA	marine protected areas
MSA	Magnuson-Stevens Fishery Conservation and Management Act
nm	nautical miles
NMFS	National Marine Fisheries Service
PIPA	Phoenix Islands Protected Area
PRIA	Pacific Remote Island Areas
PRIMNM	Pacific Remote Islands Marine National Monument
SIDS	small island developing states
WCPFC	Western and Central Pacific Fisheries Commission

First Monument Expansion

The PRIMNM was established by President George W. Bush in 2009 under the Antiquities Act through Presidential Proclamation 8336 (Jan. 6, 2009). The monument encompassed the waters within 50 nm of Baker, Howland and Jarvis Islands; Johnston, Palmyra and Wake Atolls; and Kingman Reef. President Barack Obama expanded the monument by Presidential Proclamation 9173 (Sept. 29, 2014) to extend to 200 nm around Johnston, Jarvis and Wake, but the existing 50-nm boundary remained around Howland and Baker Islands, and Palmyra Atoll and Kingman Reef.

President Obama's original plan was to expand the PRIMNM from 50 to 200 nm around all seven islands, atolls and reef, and to prohibit commercial fishing therein. However, the White House revised the plan following a West Wing meeting joining representatives of the Council and the Hawai'i longline fishing industry with Counselor to the President John Podesta and White House CEQ Acting Chair Mike Boots, and in the wake of public criticism and media attention. The Council opposed the first expansion because it was not

supported by the best available scientific information. Coral reefs and other vulnerable habitats were already protected in the existing PRIMNM. The Council established management measures to prohibit commercial fishing from 0 to 50 nm from shore and prohibit noncommercial and recreational fishing from 0 to 12 nm, unless authorized by the U.S. Fish and Wildlife Service, NMFS and the Council. Also, there was no additional conservation benefit to tunas, billfish, seabirds, sea turtles, sharks, corals and marine mammals.



Representatives from the Western Pacific Regional Fishery Management Council and the Hawaii Longline Association leave the West Wing after their Sept. 9, 2014, meeting with John Podesta, Counselor to the President, and the CEQ.



President Obama's 2014 Proclamation banned U.S. commercial fishing in 63% of the Pacific Remote Islands waters. To appreciate the scale of the PRIMNM expansion, two ellipses have been overlaid on the Gulf of Mexico to represent the approximate size of the U.S. EEZ closed (top) and left open (bottom) to commercial fishing.

Note: the Gulf of Mexico is approximately 615,000 square miles.