

Testimony of  
Jon Williams, President  
Atlantic Red Crab Company  
Before the  
Subcommittee on Water, Power and Oceans  
On  
The Potential Implications of Pending Marine National Monument Designations  
September 29, 2015  
Washington, DC

Mr. Charmain, Members of the Committee, my name is Jon Williams and I'm the owner of a small business that fishes for Atlantic red crab off the New England coast. I thank you for the opportunity to speak about the threat to my livelihood that is posed by the pending marine national monument designation along the edge of the Continental Shelf off New England.

Twenty years ago I started my crab fishing business from nothing; today I employ approximately 150 people in New Bedford, MA and feel confident that at least 5 million people each year enjoy the crab I produce, despite the fact that the red crab fishery is a very small fishery.

More importantly, however, the Atlantic red crab fishery is proud to be an industry leader in sustainable fishing. In 2009, our fishery was the first on the Atlantic coast of the U.S. to be certified as sustainable by the Marine Stewardship Council. This certification process required a thorough review of the impact of the fishery on the red crab resource and its habitat along the edge of the Continental Shelf off the coast of New England and the Mid-Atlantic states. Although this process cost hundreds of thousands of dollars—a significant amount for a small business to pay out of pocket—it was important to us that we both understood how our fishery impacted the environment and demonstrated that our practices were indeed sustainable.

The findings of the MSC certification process were indisputable: the Atlantic red crab fishery had minimal environmental impact on both the species stock and the surrounding environment, and set a clear example of how a commercial fishery could operate in a truly sustainable manner. Red crab is also listed as an “Ocean-Friendly” seafood by the New England Aquarium’s Seafood Guide program.

Now, six years later, NOAA Regional Administrator John Bullard an audience in Providence, RI that the Obama Administration wants to designate three Continental Shelf canyons and four seamounts as a “National Monument,” a move that would likely exclude the red crab fishery from its traditional fishing grounds. Despite the fact that a NOAA request for public comments on the proposal states a desire “to ensure that we protect these unique places for future generations while recognizing the importance of sustainable ocean-based economies,” there has been no meaningful opportunity to achieve that balance because the public has not been given any information on the details of the proposal. Mr. Bullard indicated to the press that no further details were likely before the President made his decision.

The hastily-arranged and poorly advertised “Town Meeting” hosted by NOAA in Providence on September 15 was a charade. With no details available, the fishermen whose livelihoods are at

stake could not comment intelligently on the proposal, other than to express their fear that it would harm their businesses. On the other side, the people who bought the environmentalists' propaganda would have been happy to support anything that they believed would protect the oceans, because they didn't know and didn't care about the details, or about who would be hurt unnecessarily.

The most troublesome thing about the use of the Antiquities Act to create marine national monuments is the complete lack of meaningful public input. The current proposal entirely circumvents the public processes outlined in the National Environmental Policy Act (NEPA), the Administrative Procedures Act, and numerous Executive Orders that were intended to protect the public against arbitrary rule-making. In the fishing industry, we are also governed by the Magnuson-Stevens Fishery Conservation and Management Act. These laws insure that stakeholders have input into difficult and complex public policy questions. In the case of imminent threats, the Secretary of Commerce can always declare emergency regulations, which are followed by a more deliberative solution to whatever problem caused the emergency. In 1999 I asked for emergency action to protect the red crab fishery from overfishing. The New England Fishery Management Council then replaced the emergency rules with a carefully constructed fishery management plan based on extensive public input. We protected the resource without trampling on the laws that guard the public process.

There is no need to abandon NEPA and the APA to protect marine areas. The established public process was used by the regional fishery management councils to protect more than 61,000 square miles of ocean bottom off the South Atlantic and Mid-Atlantic coasts. The New England Fishery Management Council is developing its own regulations to protect deep-sea corals even as we speak. In June 2015, when the Mid-Atlantic Fishery Management Council used the established process to protect 38,000 square miles of ocean bottom off the Mid-Atlantic coast, NOAA Regional Administrator Bullard praised the collaborative process and its result, citing it as a model for future ocean policy development. Mr. Bullard's words will ring hollow if the President closes our fishing grounds with no meaningful public process.

While the Antiquities Act of 1906 was undoubtedly conceived with the best intentions, a conglomerate of wealthy environmental activists has realized its potential to circumvent the normal public processes and lock up large areas of the ocean—a convenient loophole that ignores any public deliberation.

As an industry that has worked tirelessly to serve as a model for sustainable fishing, we are not threatened by a public discussion of ocean conservation. Instead, it is the willingness of these environmental groups to ignore all public processes that we firmly stand against.

There are no imminent threats to the Continental Shelf Canyons or the Atlantic seamounts from the Atlantic red crab industry or the other fisheries that operate in the proposed area. After spending millions of taxpayer dollars exploring and photographing these canyons, there has yet to be one shred of evidence of any damage caused by red crab fishing gear—even the supporters of the proposal have called these areas “pristine” after 40 years of red crab fishing.

By displacing the Atlantic red crab fishery, the proposed National Monument would harm the future of sustainable fishing—if a leader in sustainability can be irreparably harmed with no public process, then other fisheries will see few incentives to decrease their own environmental impact.

Finally, the current proposal is also concerning because it has generated support based on faulty information. With billions of dollars in assets, the environmental organizations have demonstrated both an ability and a willingness to buy the support of concerned citizens through the use of misleading web sites and “fact sheets.” For example, the video used to extoll the beauty of the proposed area wasn’t even shot in the proposed area—instead it was shot in Block Canyon 100 miles to the west. Careful editing hid this deception from the public and from policy-makers.

The promotional materials further misled citizens in a discussion of right whales, claiming that designating the canyons would protect the species. Yet right whales are not known to travel in these canyons; they travel in much shallower waters—exactly where all of the displaced fishing gear will end up if forced out of the canyons. With this in mind, it becomes apparent that the proposed monument areas will undoubtedly be detrimental to the fragile right whale population.

Our Founding Fathers recognized the danger to the Republic of “factions,” and relied upon representative government to overcome that threat. As well-meaning as the Antiquities Act might have been when it was first adopted in 1906, it is clearly being mis-used and abused by “factions” who know that their overzealous attacks on environmentally benign fisheries would never pass muster in a more rigorous process.

There is no need to exclude the historic commercial fishermen from the proposed marine national monument off New England. To the contrary, commercial fisheries provide the most tangible benefit to the public from these areas and commercial fishermen are part of the national heritage that needs to be preserved. The Magnuson-Stevens Fishery Conservation and Management Act can assure that fisheries that operate in this area are sustainable. In fact, I would suggest that any marine national monument designation include language to assure that fisheries within the monument shall not be peremptorily excluded, but would continue to be managed under the terms of the Magnuson-Stevens Act.

In closing, I sincerely hope that before adopting these monuments as proposed, the Obama Administration will meet with a few of the key stakeholders in these areas so they can get a true prospective on the impact this will have on our industry—and more importantly, the people that depend on it.