



# Gulf of Mexico Fishery Management Council

*Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico*

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## DRAFT FOR COUNCIL REVIEW

January 21, 2022

Dr. Richard W. Spinrad

Under Secretary of Commerce for Oceans and

Atmosphere, and NOAA Administrator

114 East-West Highway, 14<sup>th</sup> Floor

Silver Spring, MD 20910

Dear Dr. Spinrad:

The Gulf of Mexico Fishery Management Council (Council) appreciates the opportunity to comment on Executive Order 14008, Tackling the Climate Crisis at Home and Abroad which strives to conserve and restore 30% of American lands by 2030<sup>1</sup>. The Gulf of Mexico (Gulf) in particular, is a unique ecosystem which sustains anthropogenic growth, supports livelihoods, and provides recreational opportunities for millions of American citizens. On October 29, 2021, NOAA issued a request for information (RFI), related to Executive Order 14008, Tackling the Climate Crisis at Home and Abroad. This letter is offered in response to this request for comment and will provide recommendations within the context of the initiative principles in Section 2016a and the America the Beautiful report (Report). The management process used by the eight Regional Fishery Management Councils, including the Gulf Council is consistent with the principles outlined in the Report, in that conservation and management measures are developed in a transparent, stakeholder engaged process and is responsive to regional conservation and management needs. The Council looks forward to ongoing collaboration to review, and if necessary, implement area-based management, as necessary to achieve the goals prescribed by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as well as the objectives outline in the report. In support of this ongoing effort, the Council offers some general feedback for consideration to the questions posed in the RFI.

The primary challenge in inventorying the current suite of management areas in the Gulf is the fact that there is currently no definition of what constitutes a “conservation area” in the Report. The Area-Based Management sub-Committee working under the direction of the Council Coordination Committee (CCC) has offered a draft definition of “conservation area” to be used for evaluation purposes but more clarity on this interpretation is needed. For example, a large managed area that is not easily accessible and supports little biological production may achieve the broader goal of 30% by 2030 but may do little to function as a conservation area (initiative principle 7). Additionally, there may be areas that provide substantial conservation benefit, yet not be included in the initiative goal of 30% by 2030.

One of the Report initiatives focuses on the marginalized populations and concerns that access to natural parks and resources are limited by this demographic. The Council is supportive of this

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2021-10-29/pdf/2021-23590.pdf>

initiative; however, more focused work should be conducted in the Gulf to achieve the goals outlined in initiative principles 4, 5, and 6. The Council has identified a few specific anthropogenic considerations important to those living on the Gulf coast. Effects from climate change such as deteriorating wet lands, sea level rise, and increasing observance of hurricanes is worrisome for Gulf communities. Underrepresented groups in Gulf coastal areas are often housed in areas subject to flooding, erosion, and experience loss to water access due to increased development devoted to the other industries which do not always cater to full time residents in these areas. The Council recommends that economic and quality of life concerns of these Gulf communities be addressed in the next revision of the initiative.

Another concern is the lack of consideration for the enforcement needs of conservation areas. Difficulties have already been identified in enforcing the offshore Marine Protected Areas (MPAs) established in the Gulf. If this initiative strives for inclusion of additional conservation areas, what measures will be proposed to achieve the conservation objectives of these new areas? How would NOAA Fisheries ensure the conservation of offshore ocean areas hundreds of meters deep? What funding would be provided to patrol these areas to ensure conservation goals are achieved?

The Council continues to support ongoing effort to sustainably manage the Nation's marine resources. In support of this objective, the Council has provided responses to the seven questions in the request for information below.

1. Which of NOAA's existing authorities and associated measures, as listed above, are most appropriate for addressing the threats identified in the Report, which are the disappearance of nature, climate change, and inequitable access to the outdoors?

The Council recognizes that challenges of climate change and other conditions associated with the expanding human footprint. The existing process of the Regional Fishery Management Councils was established under the MSA and provides the authority for NOAA to comply with the Executive Order. Moreover, the MSA has established ten National Standard guidelines<sup>2</sup> that are consistent with the principles described in the Report. The MSA established the Councils and their management process is well-suited for this purpose. The Council does recognize that the range of issues is ever-increasing and that additional resources may be needed to address these challenges in the future.

2. Whether NOAA should better apply its existing authorities and associated measures, as listed above, to advance the goals and recommendations in the Report.

The Council recommends that fishery conservation measures continue to be developed through the process established with the Regional Fishery Management Councils. This process is consistent with MSA, and is a transparent, stakeholder driven process that aligns well with the core objectives outlined in the Report.

3. What criteria should NOAA consider in working with other agencies to identify existing or potential new "conserved" or "restored" areas for the purpose of advancing the goals and recommendations in the Report?

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<sup>2</sup> <https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines>

The Regional Fishery Management Councils are working collaboratively through an Area-Based Management sub-group of the CCC. The sub-group will propose draft conservation criteria and develop an inventory of existing conservation areas with their respective regions to be included in a newly developed data Atlas. The Council recommends that the criteria should recognize that many areas can achieve place-based conservation goals while simultaneously allowing managed, sustainable use of the nation's marine resources. This approach is entirely consistent with MSA while recognizing potential benefits of targeted, place-based management. This approach has recently been applied in the Gulf by identifying new Habitat Areas of Particular concern with prohibitions on bottom contact fishing gear to protect Gulf corals in areas of high abundance and biological diversity.

4. What additional scientific information, Indigenous Knowledge, or other expertise NOAA should consider in order to advance the goals and recommendations in the Report?

NOAA and the Council recognizes that marine environments are dynamic and face broad scale challenges from climate change, natural disasters, and the expanding human footprint. The Council encourages NOAA to leverage the suite of data available to the agency to understand and characterize the potential impacts of climate change on marine resources and dependent communities.

5. How should NOAA consider tracking its actions and measuring its progress, including with partners, toward advancing the goals and recommendations in the Report.

The Council recommends consideration of three main concepts: 1) Adequate baseline information characterizing the status of resources within managed areas is necessary to gauge the effectiveness of any management action. In many areas, this remains lacking and prevents careful evaluation of subsequent changes and the potential identification of causative factors; 2) As noted in the letter, a definition of 'conservation area' remains lacking in the Report and is a critical gap in efforts to improve area-based management and evaluate performance of existing areas with place-based management measures; 3) Performance metrics should be identified a priori for potential new areas that evaluate the success to include both within area criteria as well as their contribution to the greater ecosystems that are managed through the Council process under the MSA. For example, a closed area would be expected to increase abundance of targeted species within the area; however, it may not be quantifiable to determine the measurable contribution of the spawning capacity of the stock or if the area displaces fishing effort to the detriment of other areas? A full examination process of these factors is necessary to evaluate the performance of these management approaches.

6. What actions NOAA should consider taking to support non-Federal entities, including tribal, state, territorial, and local governments and non-governmental organizations and other private entities, to advance their efforts to conserve and restore U.S. lands and waters?

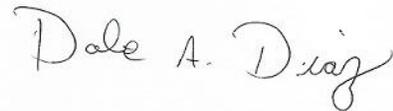
As noted in the response to question 2, the existing Council process is well suited to addressing these specific issues and we recommend continued use of our existing approach that is conservation minded, transparent, and stakeholder inclusive.

7. What actions should NOAA consider taking to facilitate broad participation in the America the Beautiful initiative?

The Council supports broad participation in the America the Beautiful Initiative. Our recommendations about the development of a clear and objective definition of “conservation area” along with the use of performance metrics will promote a method to identify the success of the initiative as well as a mechanism to identify areas that are underperforming and addressed through additional management actions that could include both the identification of new areas as appropriate or relaxing management in areas when/if no longer necessary to achieve the conservation goals outlined in MSA and the America the Beautiful Initiative.

The Council looks forward to continuing its collaboration with NOAA Fisheries to achieve the goals outline in the America the Beautiful initiative. Continued conservation of natural resources is imperative to our success as a nation especially in the face of global climate change. We encourage NOAA leadership to engage in the Council process and welcome you to present at a future meeting. If you have any further questions, please contact Dr. John Froeschke on Council staff.

Sincerely,

A handwritten signature in cursive script that reads "Dale A. Diaz". The signature is written in black ink on a white background.

Mr. Dale Diaz  
Council Chair

JF:LH

cc: Gulf Council / Council staff / Janet Coit