



RESTORING AMERICAN COMMERCIAL FISHING IN THE PACIFIC  
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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Building on prior actions to strengthen American seafood production and support working fishing communities, this proclamation restores access to hundreds of thousands of square miles of Pacific waters for commercial fishing managed under existing Federal law. I have determined that restoring access to responsibly managed fishing grounds will promote economic opportunity while ensuring continued stewardship of our Nation's marine resources.

On June 15, 2006, pursuant to the Antiquities Act (54 U.S.C. 320301), President Bush issued Proclamation 8031 establishing the Northwestern Hawaiian Islands Marine National Monument, later renamed the Papahānaumokuākea Marine National Monument. On August 26, 2016, President Obama issued Proclamation 9478 expanding that monument.

On January 6, 2009, pursuant to the Antiquities Act, President Bush issued Proclamation 8335 establishing the Mariana Trench Marine National Monument and Proclamation 8337 establishing the Rose Atoll Marine National Monument.

These proclamations imposed restrictions on commercial fishing within specified areas of the monuments. Prior to the establishment of these monuments, the marine resources identified in Proclamations 8031, 8335, 8337, and 9478 were subject to comprehensive Federal management and conservation authorities, including regulations that managed commercial fishing.

After further consideration of the nature of the objects identified in Proclamations 8031, 8335, 8337, and 9478 and the

protection of those objects already provided by Federal law, I find that appropriately managed commercial fishing under existing statutory authorities will not put the historic and scientific objects within these areas at risk.

The marine resources identified in Proclamations 8031, 8335, 8337, and 9478 are subject to comprehensive Federal management and conservation authorities. For example, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson-Stevens) establishes regional fishery management councils, supervised by the Secretary of Commerce in coordination with the States and affected stakeholders, that develop fishery management plans to regulate our Nation's fisheries, using the best available science and observing strict conservation and management requirements. Magnuson-Stevens requires a similar process of scientific fisheries management for highly migratory species and provides that fishery management plans may include, among other measures, management measures to conserve target and non-target species and habitats. The monuments at issue in this proclamation fall within the oversight of the Western Pacific Fishery Management Council (Council), which has developed several comprehensive Fishery Ecosystem Plans that enable sustainable fishing while affording protections tailored to the variety of sensitive ecosystems and marine life which the Council oversees. The Council regularly monitors its fisheries and adapts its plans to afford ongoing protection responsive to the most recent science and ocean conditions.

Additional protections are provided under the following statutes, several of which are effectuated directly through the applicable fishery management plans: the Endangered Species Act (16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act

(16 U.S.C. 1361 *et seq.*), the Oil Pollution Act (33 U.S.C. 2701 *et seq.*), the Clean Water Act (33 U.S.C. 1251 *et seq.*), Title I of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401 *et seq.*), the National Historic Preservation Act (54 U.S.C. 300101 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd *et seq.*). These statutes provide sufficient enforceable mechanisms to properly manage the monument objects addressed in this proclamation. For example, the Endangered Species Act generally prohibits the taking of fish and wildlife species listed as endangered, and also generally ensures that Federal actions, including fisheries management, are not likely to jeopardize the continued existence of any listed species. The Marine Mammal Protection Act provides protections for marine mammals, and prohibits their taking, subject to some exceptions.

Therefore, I find that certain monument-based prohibitions on commercial fishing are not necessary at this time for the proper care and management of the monuments or the objects of historic or scientific interest therein.

Proclamation 10918 previously modified the Pacific Remote Islands Marine National Monument by providing, among other things, that the Secretary of Commerce shall not prohibit commercial fishing within specified Monument and Monument Expansion areas. Proclamation 10918 is modified to clarify that the proclamation itself removes monument-based prohibitions on commercial fishing and agency rulemaking is intended to amend or repeal inconsistent regulations.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including

section 320301 of title 54, United States Code, hereby proclaim that Proclamations 8031, 8335, 8337, and 9478 are modified to remove certain monument-based prohibitions on commercial fishing in: (a) the Islands Unit of the Mariana Trench Marine National Monument; (b) the Mau Zone and Ho'omalulu Zone and areas seaward of 50 nautical miles within the Papahānaumokuākea Marine National Monument; and (c) waters between 12 and 50 nautical miles surrounding Rose Atoll, consistent with applicable fishery management plans and implementing regulations. Only United States flagged vessels shall be allowed to fish commercially within the boundaries of these monuments, except that permits may be issued to foreign flagged vessels to transport fish harvested by United States fishermen.

Nothing in this proclamation alters existing restrictions applicable within 50 nautical miles of the center geographical positions of certain islands and reefs in the Northwestern Hawaiian Islands or within 12 nautical miles of Rose Atoll. Such restrictions may be modified pursuant to applicable statutory and regulatory processes.

Commercial fishing conducted in areas of national monuments where such fishing was prohibited under previous proclamations shall remain subject to all applicable statutory and regulatory requirements, including under Magnuson-Stevens. The Secretary of Commerce shall amend or repeal existing regulations that are inconsistent with this proclamation's removal of monument-based prohibitions on commercial fishing, including those within Papahānaumokuākea Marine National Sanctuary regulations. I further direct that the Secretary of Commerce shall assess whether discretion to enforce regulations that currently prohibit commercial fishing can be utilized in the interim to advance the policy outlined in this proclamation.

To the extent that any provision of Proclamations 8031, 8335, 8337, 9478, or 10918 is inconsistent with this proclamation, the terms of this proclamation shall govern.

If any provision of this proclamation is held to be invalid, the remainder of this proclamation shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fiftieth.

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