Congress of the United States
Washington, DC 20515

April 12, 2013

Dr. Kathryn Sullivan
Acting Under Secretary for Oceans and Atmosphere, and
Administrator, National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

Eric Schwaab
Acting Assistant Secretary of Commerce for Conservation and Management
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

Dear Dr. Sullivan and Mr. Schwaab,

We write today to continue our dialogue on NOAA's proposal to list 54 species of coral as threatened, 12 as endangered, and reclassify two as endangered under the Endangered Species Act (ESA). We appreciate your response to our previous letter of December 2012, and thank you for your willingness to extend the public comment period for this listing proposal. Based on our review of the proposal, the underlying science, and conversations with our constituents we are submitting this letter as our official public comment.

From Kaua'i to Key West, the islands of the states and territories we represent stand to bear the brunt of global climate change. Rising sea levels, more extreme weather, and rapid alteration of ocean ecosystems will disproportionately affect our communities, even though we had little to do with bringing about these troubling and damaging changes. Similarly, there is little we can do to reverse these climate trends, and in the absence of national and global action our only choice is to find ways to adapt.

We recognize that climate change and the related effects of ocean acidification and higher water temperatures pose the greatest threat to coral reefs, and we do not dispute that the species proposed for ESA listing are potentially vulnerable. Further, as healthy, diverse coral reefs are essential for fisheries productivity and a key part of our tourism industries, we have a vested interest in protecting them. That is evidenced by the fact that we have strong local, state, and territorial laws that prohibit damage to corals. With that in mind, we offer the following requests to encourage you to take a pragmatic approach in your listing decision:

1. Assure that prior to listing any of these coral species under the ESA you will work with local, state, and territorial governments to develop voluntary Candidate Conservation Agreements (CCAs) with states and territories as an alternative approach to protecting and restoring corals

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and their habitat. Since NOAA has no authority under the ESA to protect corals from the effects of climate change, CCAs could provide the same conservation benefits as a listing.

2. Consider a Species of Concern designation, rather than an ESA listing, for corals for which there is limited distribution, abundance, or life history information available. Based on the comments of the Center for Independent Experts review panel, we have limited knowledge of many of these species. For example, some coral species – like *Millepora foveolota* in the Commonwealth of the Northern Mariana Islands and American Samoa – may be naturally rare, but not necessarily more vulnerable.

3. Take into account the past and ongoing efforts of our states, territories, and localities to protect corals, including through partnership in the U.S. Coral Reef Task Force and stewardship of National Marine Sanctuaries and Monuments, and consider the potential negative impacts on ESA listing on ongoing coral research and restoration activities.

4. Honor our previous request that detailed maps of the distribution of these corals be provided to Congress and the public before any listing decisions are made. This information is critical to understanding where the species proposed for listing live, and what conservation alternatives to ESA listing may be appropriate. Your letter dated February 22, 2013 stated that such maps do not exist, but we believe strongly that development of better maps is critical to making an informed listing decision.

The ESA listing proposal for these 66 coral species is far more complex than any that NOAA has considered in the past. While we are all strong supporters of the ESA and coral reef protection, we also know that the ESA is powerless to resist climate change, and we ask that you give serious consideration to alternative conservation measures. Please provide a response to each of our requests by May 10, 2013. If there are questions, please have your staff contact Becky Lizama on Congressman Sablan's staff at (202) 225-2646.

Sincerely,

GREGORIO KILILI CAMACHO SABLAN
Ranking Member
Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs

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