

ORAL ARGUMENT NOT YET SCHEDULED
No. 18-5353

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MASSACHUSETTS LOBSTERMEN'S ASSOCIATION, et al.,

Plaintiffs-Appellants,

v.

WILBUR ROSS, et al.,

Defendants-Appellees,

and

NATURAL RESOURCES DEFENSE COUNCIL, et al.,
Defendants-Intervenors-Appellees.

On Appeal from the United States District Court for the District of Columbia,
Case No. 17-cv-406 (Hon. James E. Boasberg)

**[PROPOSED] BRIEF OF ALISON RIESER, EILEEN CLAUSSEN,
AMBASSADOR DAVID BALTON, AND COALTER LATHROP
AS AMICI CURIAE SUPPORTING DEFENDANTS' BRIEF
AFFIRMING THE DISTRICT COURT**

PAUL M. THOMPSON
McDermott Will & Emery LLP
500 North Capitol Street, NW,
Washington, DC 20001-1531
Telephone: (202) 756-8032
Email: pthompson@mwe.com

*Counsel for Proposed Amici Alison Rieser, Eileen Claussen, Ambassador David Balton, and Coalter Lathrop
Additional counsel on following page*

ADDITIONAL COUNSEL FOR *AMICI CURIAE*

DANIEL E. ALBERTI
McDermott Will & Emery LLP
275 Middlefield Road, Suite 100
Menlo Park, CA 94025
Telephone: (650) 815-7419
Email: dalberti@mwe.com

DAVID QUINN GACIOCH
McDermott Will & Emery LLP
28 Sate Street
Boston, MA 02109
Telephone: (617) 535-4478
Email: dgacioch@mwe.com

ANNABEL RODRIGUEZ
McDermott Will & Emery LLP
28 Sate Street
Boston, MA 02109
Telephone: (617) 535-4063
Email: anrodriguez@mwe.com

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**A. Parties and *Amici***

Except for the proposed *amici* herein and other *amici* that may seek Leave to Participate before this Court, all parties, intervenors, and *amici* appearing before the district court and this Court are listed in Plaintiffs-Appellants' Opening Brief.

B. Rulings Under Review

References to the rulings at issue appear in Plaintiffs-Appellants' Opening Brief. The district court's opinion is published at *Mass. Lobstermen's Ass'n v. Ross*, 349 F. Supp. 3d 48 (D.D.C. 2018).

C. Related Cases

Reference to any related cases pending before this Court appears in the Brief for Plaintiff-Appellant. *Amici* Alison Rieser, Eileen Claussen, Ambassador David Balton, and Coalter Lathrop are not aware of any other related case within the meaning of D.C. Circuit Rule 28(a)(1)(C).

Dated: June 5, 2019

/s/ Paul M. Thompson

STATEMENT IN ACCORDANCE WITH D.C. CIRCUIT RULE 29

Pursuant to D.C. Circuit Rule 29(b), undersigned counsel for *amici curiae*, ocean experts and former State Department officials, represent that both parties have been sent notice of the filing of this brief. The Defendant-Appellees and the Defendant-Intervenors-Appellees have consented to the participation of the Proposed *Amici* and the filing of this brief. The Plaintiff-Appellants have not consented to either request.

Pursuant to D.C. Circuit Rule 29(d), undersigned counsel for *amici curiae* certifies that a separate brief is necessary. The *amici's* interest in this litigation is to offer the Court an overview of the principles of international law of the sea that are a part of U.S. law. The principles of international law of the sea are relevant to the Court's consideration of the Plaintiff-Appellants' Opening Brief, and the Defendant-Appellees and the Defendant-Intervenors-Appellee's response, in that they address the United States' "own[ership] or control[]" of the area of the Northeast Canyons and Seamounts National Marine Monument under the Antiquities Act of 1906. The four non-governmental *amici* have conferred to compromise on a single brief, per the rules. However, due to the widely disparate nature of the expertise the signatories to each of the briefs seek to offer the court, we found and continue to find it impracticable to prepare a single combined brief.

Dated: June 5, 2019

/s/ Paul M. Thompson

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GLOSSARY

EEZ: Exclusive Economic Zone

UNCLOS: United Nations Convention on the Law of the Sea

INTEREST OF AMICI CURIAE¹

Alison Rieser served as attorney-advisor for fisheries in the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel, during the first year after extension of the United States' exclusive fishery jurisdiction. She co-founded the Marine Law Institute at the University Of Maine School Of Law to advise state, federal and interstate agencies on law of the sea and marine resources law in the Northwest Atlantic. She now teaches political geography of the oceans at the University of Hawai'i. In 2020, Rieser will be a *pro bono* senior fellow in ocean conservation at the Conservation Law Foundation.

Eileen Claussen is the founder of the Pew Center on Global Climate Change and the Center for Climate and Energy Solutions. Claussen is also a former Director of the Office of Atmospheric Programs for the United States Environmental Protection Agency (EPA). She served as a Special Assistant to the President and Senior Director for Global Environmental Affairs at the Nation Security Council, as well as Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

David Balton is a former Deputy Assistant Secretary for Oceans and Fisheries in the Department of State. He was nominated and confirmed by President George

¹ No person or entity other than amici and their counsel authored or made a monetary contribution to the preparation or submission of this brief.

W. Bush to the rank of Ambassador in 2005. As Deputy Assistant Secretary, he coordinated U.S. foreign policy concerning oceans and fisheries, and issues relating to the Arctic and Antarctica, and oversaw U.S. participation in international organizations dealing with these issues.

Coalter Lathrop is a maritime boundary lawyer, geographer, cartographer, and founder of Sovereign Geographic. He represented and advised sovereign states in a variety of land and maritime boundary disputes, as well as provided support for government entities on related issues across the globe. He has written extensively on the law of the sea, the Arctic, island sovereignty, and maritime boundaries. He taught courses at Duke Law on the subject of international law.

The *Amici*'s interest in this litigation is to offer the Court an overview of the principles of international law of the sea that are a part of U.S. law. This overview confirms that the creation of the Northeast Canyons and Seamounts National Marine Monument (the "Monument") was entirely consistent with international law, as is the federal government's continuing protection of the Monument.

SUMMARY OF THE ARGUMENT

The District Court correctly held that the Antiquities Act, which limits national monuments to "land owned or controlled by the Federal Government," authorizes the President to establish monuments consisting of ocean and ocean floor beyond the nation's territorial sea. The Northeast Canyons and Seamounts National

Marine Monument protects a fragile and unique ocean ecosystem located within the United States' Exclusive Economic Zone ("EEZ"). The Zone was created by proclamation of President Ronald Reagan in 1983 and extends 188 nautical miles seaward of the U.S. territorial sea. The United States' right to control an exclusive economic zone arises under customary international law principles that are reflected in the United Nations Law of the Sea Treaty. The law of the sea affords every nation jurisdiction and sovereign rights in order to conserve and manage natural resources and to protect rare marine ecosystems such as that contained within the boundaries of the Monument.

ARGUMENT

I. The Exclusive Economic Zone Is Defined by International Law

Under international law, each coastal nation has the authority to establish an EEZ extending from its coastline to a maximum of 200 nautical miles. Within their EEZs, coastal nations like the U.S. have the authority to control all resource extraction activities and protect the marine environment. This control has its basis in the United Nations Convention on the Law of the Sea ("UNCLOS") and has become a principle of customary international law.

Under UNCLOS, every nation also has a right to establish a territorial sea, which may extend from the nation's baseline (measured from the low-water line along its coast) to no more than 12 nautical miles. UNCLOS Art. 3–5. Within its

territorial sea, a coastal nation exercises sovereignty over the waters, airspace, seabed and subsoil. UNCLOS Art. 2.

Beyond the territorial sea of a coastal nation lies the EEZ. A nation's EEZ extends from the outer limit of the nation's territorial sea to 200 nautical miles from the coast. UNCLOS Art. 55 ("The exclusive economic zone is an area beyond and adjacent to the territorial sea . . ."); UNCLOS Art. 57 (describing the EEZ as not extending "beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured"). In the EEZ, a nation has:

sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.

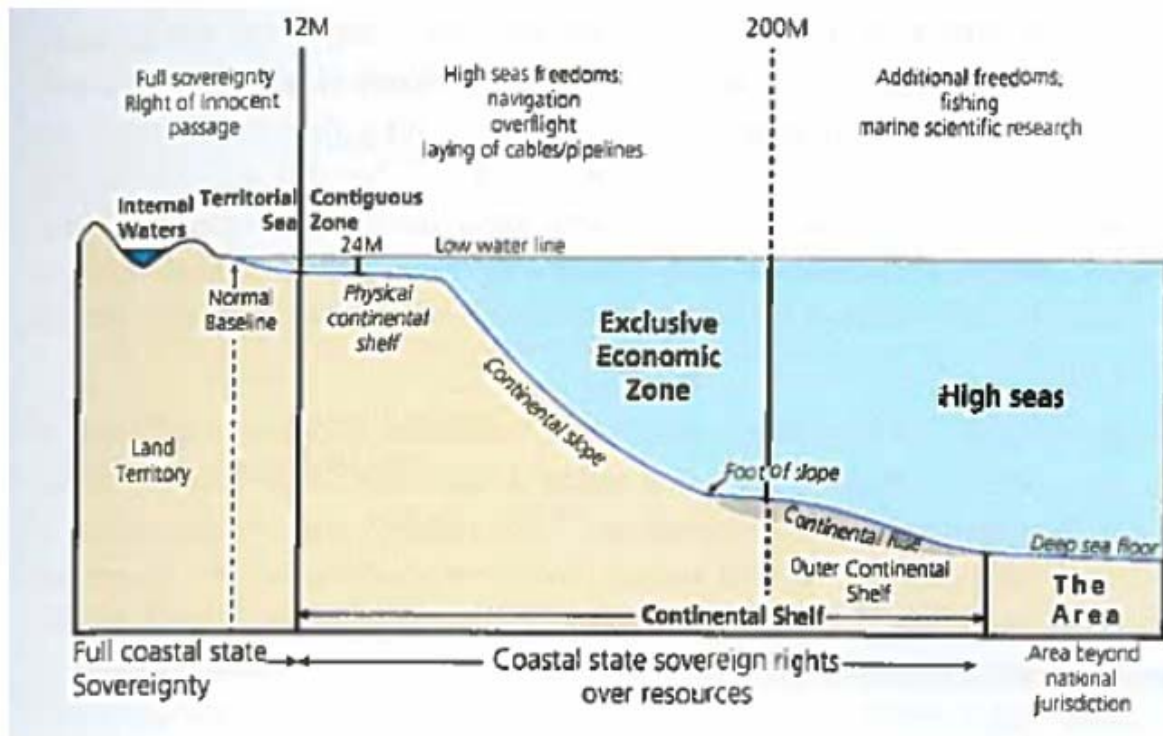
UNCLOS Art. 56(1)(a). The nation also has "jurisdiction . . . with regard to: (i) the establishment and use of artificial islands, installations and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment."

UNCLOS Art. 56(1)(b). Nations must act in a manner compatible with the freedoms granted to other nations under the Convention, Art. 56(2) when exercising their rights in their EEZ. UNCLOS Art. 58(1). Such freedoms include the freedoms of "navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those

associated with the operation of ships, aircraft and submarine cables and pipelines. .

. .” *Id.*

The UNCLOS definitions of the EEZ and other maritime zones are depicted in the diagram below:



Source: Stephen Fietta and Robin Cleverly, *A Practitioner's Guide to Maritime Boundary Delimitation* (Oxford Univ Press, 2016).

UNCLOS was a product of the third United Nations Conference on the Law of the Sea (“Conference”), which concluded in 1982. UNCLOS came into force in 1994, after the 60th nation ratified or acceded to the treaty. Today, 168 countries and the European Union are parties to UNCLOS. UNCLOS is a treaty, which means it is only binding upon those nations that ratify or accede to the treaty. Vienna

Convention on the Law of Treaties (1980) Art. 2, 26, 34–36. However, a rule set forth in a treaty may become binding upon non-party, “third” nations through its adoption as a customary international law. Vienna Convention Art. 38 (“Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third [nation] as a customary rule of international law, recognized as such.”). In order for a rule to become binding customary international law on all nations, the acts concerned must “amount to a settled practice” and be carried out in such a way “as to be evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it.” *North Sea Continental Shelf Cases*, 1969 I.C.J. 3, 47, para. 77.

While not every nation is a party to UNCLOS, many of its key principles have become customary international law, including the concept and delineation of the EEZ. In 1985, the International Court of Justice, considering a maritime boundary dispute in the Mediterranean Sea, stated: “It is in the Court’s view incontestable that, apart from those provisions, the institution of the exclusive economic zone, with its rule on entitlement by reason of distance, is shown by the practice of States to have become a part of customary law.” *Continental Shelf (Libyan Arab Jamahiriya v. Malta)*, 1985, I.C.J. 13, 33, para. 34. Thus the principles applicable to the EEZ, as outlined in UNCLOS, are binding on all nations.

II. The United States' Longstanding Recognition of the EEZ

While the United States has never ratified UNCLOS, it is bound by customary international law and has accepted and recognized the EEZ, as described in UNCLOS, as customary international law.

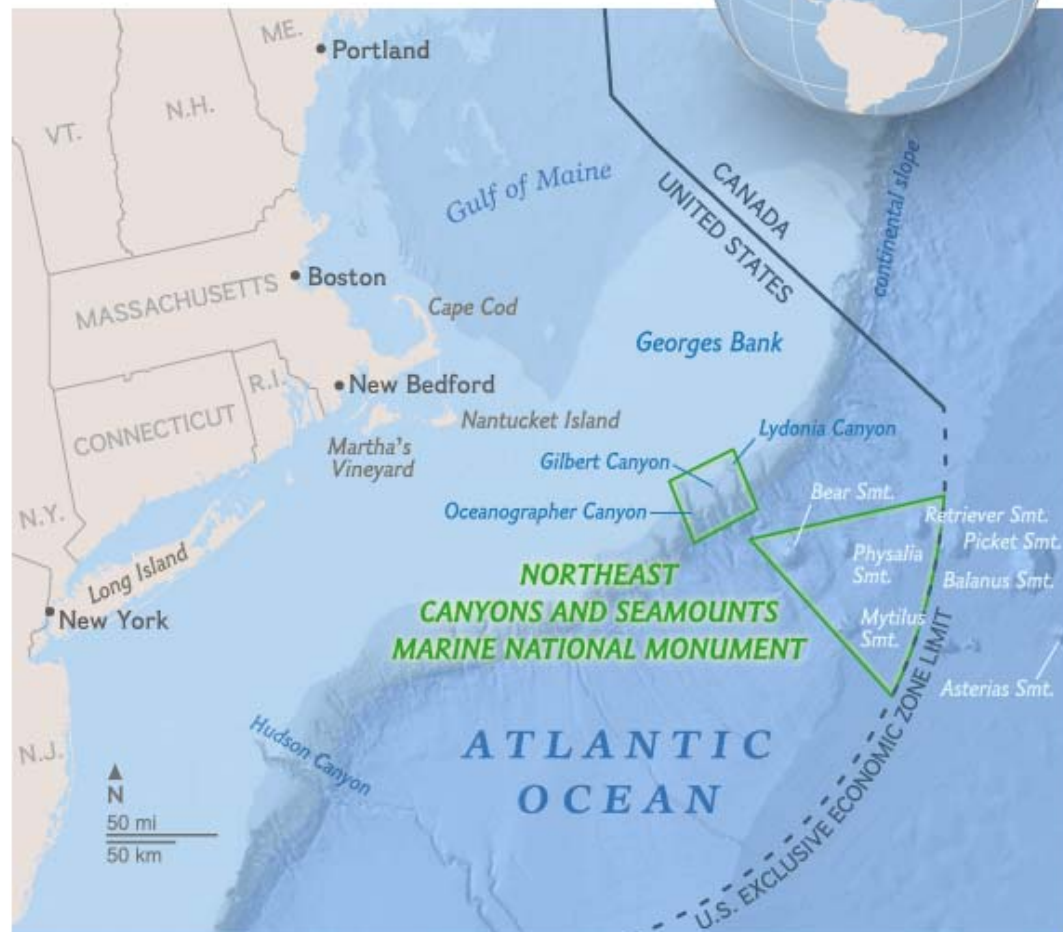
In 1983, shortly after the third Conference concluded, President Reagan issued Proclamation 5030, proclaiming the sovereign rights and jurisdiction of the United States within the EEZ. Exclusive Economic Zone of the United States of America, Proclamation 5030, 48 Fed. Reg. 10,605 (March 14, 1983). The Proclamation states that “international law recognizes that, in a zone beyond its territory and adjacent to its territorial sea, known as the Exclusive Economic Zone, a coastal nation may assert certain sovereign rights over natural resources and related jurisdiction.” *Id.* Much of the Proclamation mirrors the language in UNCLOS and it specifically recognizes the U.S.’s sovereign rights for the purpose of “exploring, exploiting, conserving and managing natural resources, both living and nonliving,” and jurisdiction with regard to “the protection and preservation of the marine environment.” *Id.* The Proclamation also states that the U.S. will “exercise these sovereign rights and jurisdiction in accordance with the rules of international law” and that within the EEZ “all States enjoy the high seas freedoms of navigation, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.” *Id.*

President Reagan's accompanying statement explained that while the United States was not signing UNCLOS due to concerns with its provisions on deep seabed mining, "the convention also contains provisions with respect to traditional uses of the oceans which generally confirm existing maritime law and practice." United States Ocean Policy, 19 Weekly Comp. Pres. Doc. 383 (Mar 10, 1983). The accompanying White House Fact Sheet noted: "[t]he concept of the EEZ is already recognized in international law" and "is reflected in" UNCLOS. White House Fact Sheet US Ocean Policy (Mar 10, 1983). It further noted: "[t]he United States is willing to respect the maritime claims of others, including economic zones, that are consistent with international law as reflected in the Convention, if U.S. rights and freedoms in such areas under international law are respected by the coastal state." *Id.*

The portion of the U.S. EEZ in which the Monument sits is depicted in the following National Geographic map:

Momentous marine protection

Under authority of the Antiquities Act, President Obama set aside 4,900 square miles of the Atlantic Ocean for preservation. The monuments prohibit fishing and mining, in an effort to protect deep-sea species that reside in the undersea canyons and extinct volcanoes off the coast of New England.



RILEY D. CHAMPINE, NG STAFF
 SOURCES: THE PEW CHARITABLE TRUSTS, ESRI, DELORME,
 GENERAL BATHYMETRIC CHART OF THE OCEANS, NOAA NCEI

Source: Cynthia Barnett, *Obama Creates Connecticut-Size Ocean Park, First in Atlantic*, NATIONAL GEOGRAPHIC (Sept. 15, 2016), <https://news.nationalgeographic.com/2016/09/obama-creates-a-monument-bigger-than-connecticut-in-the-atlantic/>.

The U.S. applies UNCLOS principles in drawing all its ocean boundaries. To establish the seaward extent of the U.S. EEZ in the Northwest Atlantic in the vicinity of Georges Bank, its canyons and adjacent seamounts, the U.S. and Canada, by

agreement, requested that a special chamber of the International Court of Justice apply the principles and rules of international law to delimit the maritime zones of their two nations in the Gulf of Maine area. *Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/USA)*, 1984 I.C.J. 246, 1984 WL 499 (Judgment of Oct. 12).² The Department of State published the coordinates of the U.S. EEZ outer limit in 1995. Exclusive Economic Zone and Maritime Boundaries; Notice of Limits, 60 Fed. Reg. 43,825 (Aug. 23, 1995).

Congress and the courts have similarly recognized the status of the EEZ in customary international law. In the National Marine Sanctuaries Act, Congress defined “marine environment” as “those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, *including the exclusive economic zone*, consistent with international law.” 16 U.S.C. § 1432(3) (2016) (emphasis supplied). In the

² A geographer advising the U.S. Department of State who attended the proceedings later wrote that “[i]n his opening oral presentation outlining the United States point of view for the Chamber, Davis R. Robinson, Legal Advisor, U.S. Department of State, stressed” the historical American links with the Georges Bank area, and that since at least 1820 it had been considered by many citizens to be “as American as apple pie.” Louis De Vorsey and Megan C. De Vorsey, “The World Court Decision in the Canada-United States Gulf of Maine Seaward Boundary Dispute: A Perspective from Historical Geography,” *Case Western Reserve Journal of International Law* 415 (1986), quoting Verbatim Record for the Delimitation of the Maritime Boundary in the Gulf of Maine Area (Can. v. U.S.) at 7 (I.C.J. Apr. 11, 1984). See also Douglas Martin, “For Canada’s Fishermen, A Cold Wind from U.S.,” *New York Times*, page 2, sec. A (May 5, 1984).

Magnuson-Stevens Fishery Conservation and Management Act, Congress defined the “exclusive economic zone” as “the zone established by Proclamation Numbered 5030, dated March 10, 1983.” 16 U.S.C. § 1802(11) (2016).

The federal judiciary similarly recognized that “[t]he United States has taken the position that the twelve-mile territorial sea and the two-hundred-mile EEZ are declarative of customary international law.” *Mayaguezanos por la Salud y el Ambiente v. U.S.*, 198 F.3d 297, 305 n.14 (1st Cir. 1999). Other courts have similarly recognized the baseline provisions in UNCLOS as customary international law. *See, e.g., Alaska v. United States*, 503 U.S. 569, 588 n.10 (1992) (noting the US “has recognized that [the UNCLOS] baseline provisions reflect customary international law”).

Finally, the Restatement (Third) of Foreign Relations Law § 514 similarly defines the EEZ by reference to UNCLOS and summarizes its status as follows:

Recent practice of states, supported by the broad consensus achieved at the Third United Nations Conference on the Law of the Sea, has effectively established as customary law the concept of the exclusive economic zone, the width of the zone (up to 200 nautical miles), and the basic rules governing it. These are binding, therefore, on states generally even before the LOS Convention comes into effect and thereafter even as to states not party to the Convention. In those respects the Convention is an authoritative statement of customary law.

Restatement (Third) of Foreign Relations Law § 514 cmt. a. *Exclusive economic zone as customary law* (1987). The Restatement provides that the coastal nation has “sovereign rights for the purpose of exploring, exploiting, conserving,

and managing the natural resources of the sea-bed and subsoil and of the superjacent waters” and authority to regulate “the protection of the marine environment.” *Id.* at § 514(1).

III. The United States’ Control of the EEZ

The District Court correctly ruled that the federal government sufficiently controls the EEZ because the federal government has exercised substantial general authority over the EEZ through its marine conservation and its overall dominion over economic activities in the EEZ.

The United States historically exercised control over its EEZ for various purposes, including marine conservation. For example, the Magnuson-Stevens Fishery Conservation and Management Act governs fishery management within the United States EEZ and prohibits commercial foreign fishing vessels without permits. 16 U.S.C. § 1801 et seq. Similarly, the National Marine Sanctuaries Act established a federal program to create National Marine Sanctuaries within the EEZ and prohibits destroying or injuring sanctuary resources. 16 U.S.C. § 1435 et seq. The National Marine Sanctuaries Act is careful to conform to the international law of the sea and provides that the statute and regulations “shall be applied in accordance with generally recognized principles of international law. . . .” *Id.* Finally, to safeguard navigation, the U.S. Coast Guard has authority to establish routing measures in the EEZ for vessels proceeding to or from ports or places of the U.S. and transiting

within the U.S. EEZ. 33 C.F.R. § 2.30 (2017) (definition of jurisdictional terms, EEZ); see, e.g., Department of Homeland Security, Coast Guard, Notice of Port Access Route Study; Alaskan Arctic Coast, 83 Fed. Reg. 65,701 (Dec. 21, 2018). Therefore, the District Court correctly ruled that the federal government controls the EEZ for purposes of the Antiquities Act.

IV. National Monuments and the Antiquities Act of 1906: “Land Owned or Controlled”

The United States has, more than once, used its sovereign rights and jurisdiction within the EEZ to establish national monuments. The Antiquities Act of 1906 allows the President to create national monuments around objects of historic or scientific interest “on land owned or controlled by the Federal Government.” 54 U.S.C. § 320301(a) (2016). In 2000, the U.S. Department of Justice’s Office of Legal Counsel issued a memorandum concluding that the President could establish a national monument in the territorial sea or EEZ. Administration of Coral Reef Resources in the Northwest Hawaiian Islands, Office of Legal Counsel (Sept. 15, 2000). The Office of Legal Counsel concluded that UNCLOS “appears not only to allow the United States to take action to protect marine resources, but also to require some such actions.” *Id.*

Using the Antiquities Act, President George W. Bush created the Northwestern Hawaiian Islands Marine National Monument in 2006, which was renamed Papahānaumokuākea Marine National Monument in 2007. Presidential

Proclamation 8031, 71 Fed. Reg. 36,443 (June 15, 2006). The Pacific Remote Islands Marine National Monument, Rose Atoll Marine National Monument, and Marianas Trench Marine National Monument were all established in January 2009 by President Bush using the Antiquities Act. Presidential Proclamation 8336, 74 Fed. Reg. 1565 (Jan. 6, 2009); Presidential Proclamation 8337, 74 Fed. Reg. 1577 (Jan. 6, 2009); Presidential Proclamation 8335, 74 Fed. Reg. 1557 (Jan. 6, 2009). These national monuments all lie within the United States' EEZ or territorial seas. The northern and southern boundaries of the Marianas Trench Marine National Monument extend to the limits of the United States' EEZ. Presidential Proclamation 8335.

The boundaries of portions of the Pacific Remote Islands Marine National Monument were expanded to the limits of the United States' EEZ in 2014. Presidential Proclamation 9173, 79 Fed. Reg. 58,645 (Sept. 25, 2014). The Papahānaumokuākea Marine National Monument was also expanded to the boundary of the United States' EEZ in 2016. Presidential Proclamation 9478, 81 Fed. Reg. 60,227 (August 26, 2016).

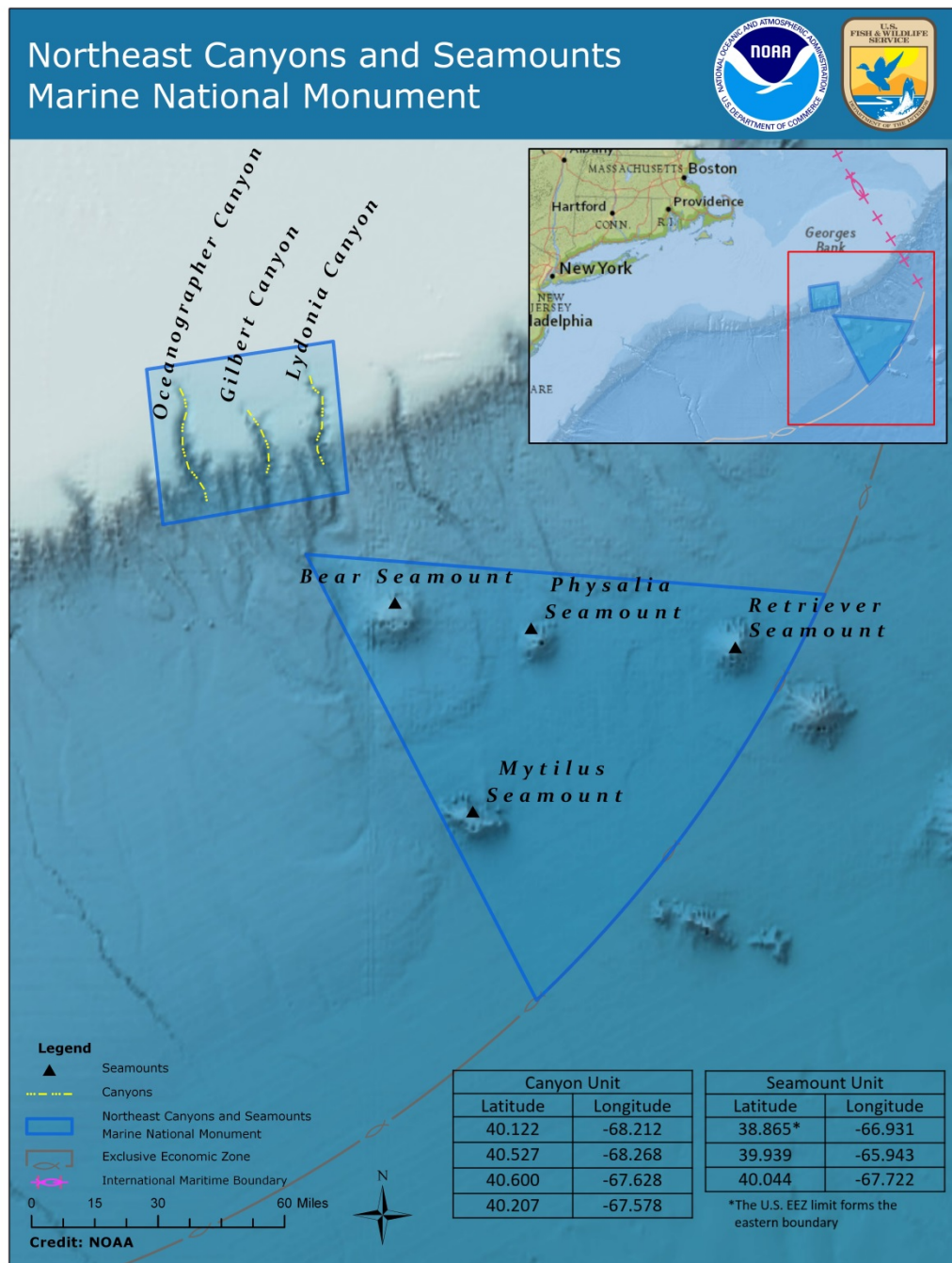
These proclamations all exercise the United States' sovereign rights and jurisdiction within the EEZ while carefully avoiding running afoul of any of the country's obligations under international law. The proclamations all recognize the public interest in preserving the marine environment and the historic and scientific

objects therein. In varying degrees the proclamations all exercise the United States' control over the EEZ through acts such as withdrawing the lands from any sale, leasing or other disposition, prohibiting commercial fishing, regulating scientific exploration and research, prohibiting energy development activities, and prohibiting the removal of any feature of the monument. Consistent with international law, the proclamations all direct that the management plan and their implementing regulations "shall impose no unlawful restrictions on innocent passage [in the territorial sea] or otherwise unlawfully restrict navigation and overflight and other internationally recognized lawful uses of the sea in the monument . . ." *Id.*

V. The Northeast Canyons and Seamounts Marine National Monument

The Northeast Canyons and Seamounts Marine National Monument is the newest marine monument and was established by presidential proclamation on September 15, 2016. Presidential Proclamation 9496, 81 Fed. Reg. 65,161 (Sept. 21, 2016). Similar to its four predecessor marine national monuments, the establishment of the Monument under the Antiquities Act of 1906 was in accordance with international law. As with the four predecessor marine monuments, the designation of the Northeast Canyons and Seamounts Marine National Monument was carefully crafted so as to observe international law, as evidenced by both the physical parameters of the Monument and the restrictions and regulations placed on activities within the Monument. First, the United States was careful to restrict the

area of the Monument to its EEZ. The Monument is located within the United States' EEZ, as shown on the map below, which was included in the Proclamation. See 81 Fed. Reg. 65,167. The boundary of the Monument extends up to the boundary of the United States' EEZ but no farther. *See id.* The seamounts included in the Monument are a part of the larger New England Seamount Chain, which runs from the southern side of Georges Bank to midway across the western Atlantic Ocean. 81 Fed. Reg. 65,162. However, the Monument covers only the four seamounts within the U.S.'s EEZ. *Id.* (“Four of these seamounts—Bear, Physalia, Retriever, and Mytilus—are in the United States Exclusive Economic Zone.”).



Source: National Oceanic and Atmospheric Administration, *First marine national monument created in Atlantic*, <http://www.noaa.gov/news/first-marine-national-monument-created-in-atlantic> (last visited April 4, 2016).

Second, the text of the Proclamation consistently recognizes and respects the role of the law of the sea. *See* 81 Fed. Reg. 65,163 (“the United States continues to

act with due regard for the rights, freedoms, and lawful uses of the sea enjoyed by other nations under the law of the sea in managing the canyon and seamount area”); 81 Fed. Reg. 65,163 (“[t]his proclamation shall be applied in accordance with international law”). In issuing the Proclamation, the Obama administration was careful not to infringe on the rights of other nations under the international law of the sea. For example, the Proclamation requires that management plans and implementing regulations “not unlawfully restrict navigation and overflight and other internationally recognized lawful uses of the sea in the monument.” *Id.*

The provisions of the Proclamation prohibiting and regulating certain activities in the Monument are consistent with UNCLOS. Consistent with Article 56, which gives the coastal nation “sovereign rights for the purpose of exploring and exploiting . . . the natural resources . . . of the seabed and its subsoil” in the EEZ, the Proclamation prohibits exploring for or developing oil and gas or minerals in the Monument. UNCLOS Art. 56; 81 Fed. Reg. 65,165. Similarly, Article 56 gives the coastal nation “sovereign rights for the purpose of . . . conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed” and “jurisdiction . . . with regard to . . . the protection and preservation of the marine environment” and the Proclamation prohibits “fishing commercially” within the Monument and removing or harvesting any living or non-living resource. UNCLOS Art. 56; 81 Fed. Reg. 65,165. Erasing any doubt, the Proclamation states

that the prohibitions and regulations are to be applied “to the extent consistent with international law.” 81 Fed. Reg. 65,164–65,165. The establishment and maintenance of the Northeast Canyons and Seamounts Marine National Monument is thus consistent with the international law of the sea and a valid exercise of the United States’ sovereign rights and jurisdiction within the EEZ.

CONCLUSION

For these reasons, the Court should affirm the District Court’s order granting Defendants’ Motion to Dismiss. The District Court correctly ruled that the establishment and management of the Monument is consistent with the United States’ obligations and authority under the international law of the sea, as expressed in UNCLOS and customary international law and as interpreted and applied by the United States. The United States’ EEZ, in which the Monument is located, clearly is (submerged) land controlled by the federal government for the purposes of the Antiquities Act.

Dated: June 5, 2019

Respectfully Submitted,

/s/ Paul M. Thompson

PAUL M. THOMPSON
McDermott Will & Emery LLP
500 North Capitol Street, NW,
Washington, DC 20001-1531
Telephone: (202) 756- 8032
Email: pthompson@mwe.com

DANIEL E. ALBERTI
McDermott Will & Emery LLP
275 Middlefield Road, Suite 100
Menlo Park, CA 94025
Telephone: (650) 815-7419
Email: dalberti@mwe.com

DAVID QUINN GACIOCH
McDermott Will & Emery LLP
28 Sate Street
Boston, MA 02109
Telephone: (617) 535-4478
Email: dgacioch@mwe.com

ANNABEL RODRIGUEZ
McDermott Will & Emery LLP
28 Sate Street
Boston, MA 02109
Telephone: (617) 535-4063
Email: anrodriguez@mwe.com

*Counsel for Proposed Amici Alison Rieser,
Eileen Claussen, Ambassador David Balton,
and Coalter Lathrop*

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DATED: June 5, 2019

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Respectfully Submitted,

/s/ Paul M. Thompson

PAUL M. THOMPSON
McDermott Will & Emery LLP
500 North Capitol Street, NW,
Washington, DC 20001-1531
Telephone: (202) 756- 8032
Email:pthompson@mwe.com