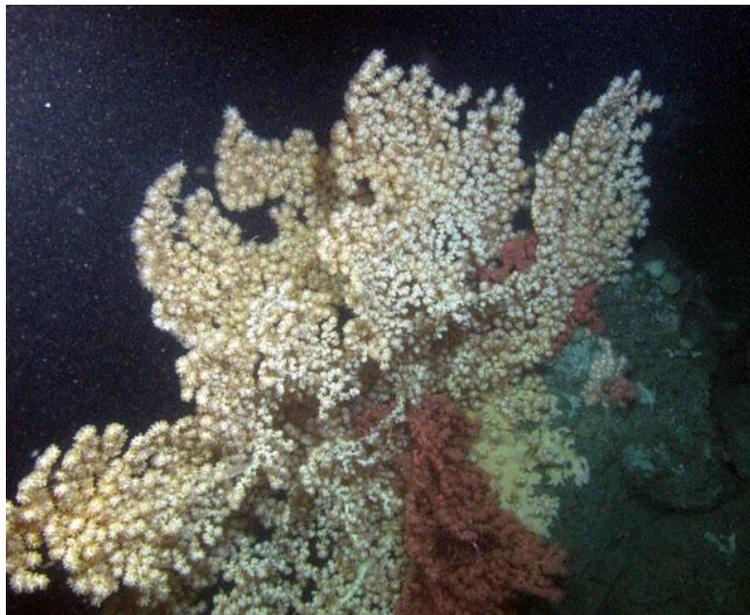


**Scoping Document**  
**for AMENDMENT 16 to the**  
**Atlantic Mackerel, Squid, and Butterfish Fishery**  
**Management Plan**

**Measures to Protect Deep Sea Corals from Impacts of Fishing Gear**



Prepared by the  
Mid-Atlantic Fishery Management Council (MAFMC),  
in consultation with the National Marine Fisheries Service (NMFS)



## **Schedule of Atlantic Mackerel, Squid, and Butterfish Amendment 16 (Deep Sea Coral Protections) Scoping Meetings and Public Comment Instructions**

### **Scoping hearings will be held on the following dates:**

- February 5, 2013, 7 pm – 9 pm: Internet Webinar: To join the webinar, visit:  
[http://mafmc.adobeconnect.com/corals\\_scoping/](http://mafmc.adobeconnect.com/corals_scoping/) [Firefox or Internet Explorer recommended]
- February 13, 2013, 4 pm – 6 pm: Embassy Suites Hampton Roads, 1700 Coliseum Drive, Hampton, VA 23666, 757-827-8200

In addition to providing information and comments at the above scoping meetings, you may submit written comments by 11:59 p.m., Eastern Standard Time, on February 15, 2013 per the notice of intent and scoping, published in the Federal Register here:

<http://www.gpo.gov/fdsys/pkg/FR-2013-01-16/pdf/2013-00808.pdf>

### **Written comments on Amendment 16 may be sent by any of the following methods:**

-Email to the following address: [nmfs.ner.msbam16@noaa.gov](mailto:nmfs.ner.msbam16@noaa.gov). Include “Deep Sea Corals Amendment Scoping Comments” in the subject; or

-Mail to Chris Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. Mark the outside of the envelope “Deep Sea Corals Amendment Scoping Comments”; or

-Fax to Chris Moore, Ph.D., 302-674-5399. Include “Deep Sea Corals Amendment Scoping Comments” in the fax.

**Preliminary timeline for development/review/implementation of Amendment 16:**

<b>Action</b>	<b>Timeline, based on current Council meeting schedule</b>
Council initiates amendment	August 2012
Initial Fishery Management Action Team (FMAT) meeting	December 2012
FMAT develops alternatives, draft Environmental Impact Statement (or Environmental Assessment) <sup>1</sup> writing begins	January/February 2013
Scoping hearings and scoping comment period	February 2013
MAFMC Ecosystems and Ocean Planning Committee reviews alternatives	February 2013
Advisory Panel Meeting	March/April 2013
MAFMC Meeting: Council approves range of alternatives/public hearing document	June 2013
Public hearings and summarization of comments (30-day comment period for public hearings)	July 2013
MAFMC Meeting - Approve/adopt amendment	October 2013
Staff submits to NMFS for secretarial approval	November/December 2013
Final rule effective	June/July 2014

<sup>1</sup> This timeline is subject to change, depending in part on the level of analysis required under the National Environmental Policy Act. Specifically, an Environmental Impact Statement or an Environmental Assessment may be prepared, depending on the range of alternatives considered and the associated expected impacts (See “What happens next?”).

# THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (MAFMC)

*SEEKS YOUR COMMENTS ON AMENDMENT 16 TO THE*

*ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERY MANAGEMENT PLAN*

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## ***Your comments are invited...***

The Mid-Atlantic Fishery Management Council (MAFMC) proposes to develop Amendment 16 to the Fishery Management Plan (FMP) for Atlantic mackerel, squid, and butterfish (MSB) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as currently amended. The MAFMC would like your input on the range of issues and information that should be considered during development of Amendment 16, which will consider management measures to protect deep sea corals from the impacts of fishing gear. The MAFMC is seeking your comments on the specific issues identified in this document plus any other issues that might be of concern to you regarding deep sea coral conservation.

## ***Why is the MAFMC proposing this action?***

The MAFMC has proposed this action in order to minimize the impacts of fishing activities on deep sea corals. Deep sea corals, also known as cold-water corals, are typically found at depths greater than 50 meters on the continental shelf and slopes, in offshore canyons, and near seamounts. Several types of deep sea corals are found off the coast of the northeastern United States, including hard or stony corals, black corals, gorgonians, soft corals, and sea pens. Although large, reef-building corals are rare in this region, many species form complex three-dimensional structures that enhance local biodiversity by providing important habitat for many species of fish and invertebrates.

Deep sea corals are fragile and slow-growing, and as such are highly vulnerable to disturbance by bottom-tending fishing gear. Bottom trawls pose a particular threat to deep sea coral communities, and may cause negative impacts ranging from scarring and damage to crushing or complete removal. Although other gear types have a lower potential for disturbance, mid-water trawls may also impact corals during periodic contact with the bottom, and passive gear types such as pots and longlines may cause localized damage to corals.

The National Oceanic and Atmospheric Administration (NOAA) has developed a Strategic Plan for Deep-Sea Coral and Sponge Ecosystems, which contains conservation and management objectives to be achieved in cooperation with the Regional Fishery Management Councils and other federal partners. Several objectives of this plan are directly relevant to MAFMC activities, including:

1. Protect areas containing known deep-sea coral or sponge communities from impacts of bottom-tending fishing gear.
2. Protect areas that may support deep-sea coral and sponge communities where mobile bottom-tending fishing gear has not been used recently, as a precautionary measure.

3. Develop regional approaches to further reduce interactions between fishing gear and deep-sea corals and sponges.

The Mid-Atlantic Fishery Management Council has initiated this amendment to address these issues, and to complement the deep sea coral protection measures currently being developed by the New England Fishery Management Council (see below).

***What is the current state of deep sea coral protections in the northeast region?***

The Mid-Atlantic Fishery Management Council has not previously developed management measures specific to protections for deep sea corals. However, several prior habitat-related measures and gear restrictions have likely resulted in increased protections for deep sea corals. For example, Amendment 1 to the Tilefish FMP includes mobile bottom tending gear restrictions in four canyons in New England and the Mid-Atlantic: Lydonia, Oceanographer, Veatch and Norfolk. These restricted areas are based on tilefish Habitat Areas of Particular Concern (HAPCs), and are intended to protect clay outcrop habitats toward the heads of the canyons. Lydonia and Oceanographer Canyons were also closed to the squid, mackerel, and butterfish fishery in 2008 via Amendment 9 to the Atlantic mackerel, squid, and butterfish FMP.

The Mid-Atlantic Fishery Management Council and the New England Fishery Management Council have developed a Memorandum of Understanding identifying areas of consensus and common strategy related to conservation of corals and mitigation of the negative impacts of fishery/coral interactions.<sup>2</sup> The New England Fishery Management Council (NEFMC) began developing alternatives for deep sea coral protections as part of their Essential Fish Habitat (EFH) Omnibus Amendment 2, and at their September 2012 meeting, voted to split the range of alternatives pertaining to deep sea corals into a separate omnibus amendment.

The terms of the Memorandum of Understanding include defined areas of jurisdiction for deep sea coral protection measures, aligning with the Council region boundaries. The MAFMC will develop alternatives applicable to areas south of the inter-council boundary<sup>3</sup>, with the understanding that the NEFMC will implement coral-related measures north of this boundary.

***What actions are being considered by the MAFMC?***

The MAFMC will consider a range of measures to minimize the impacts of fishing gear on deep sea corals. As mentioned above, these measures would apply only to areas within the Mid-Atlantic Council's regional boundaries.

Several provisions of the reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) could be used to protect deep sea corals:

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<sup>2</sup> The draft MOU additionally includes the South Atlantic Fishery Management Council as a party to the agreement; however, the South Atlantic Council has not yet taken up the issue of reviewing or approving the draft MOU.

<sup>3</sup> Council boundaries are defined in the Code of Federal Regulations (CFR), at 50 CFR 600.105, available at <http://www.gpo.gov/fdsys/granule/CFR-2001-title50-vol3/CFR-2001-title50-vol3-sec600-105/content-detail.html>.

- ***Essential Fish Habitat Authority***<sup>4</sup>

Deep sea corals could be considered a component of Essential Fish Habitat (EFH), or as Habitat Areas of Particular Concern (HAPCs, a subset of EFH). EFH or HAPC designations would require the Council to minimize, to the extent practicable, adverse effects on such habitat caused by fishing.

- ***Discretionary Authority to Designate Deep Sea Coral Zones***<sup>5</sup>

The 2007 reauthorization of the MSA gives the Councils discretionary authority to designate zones where fishing may be restricted in order to protect deep sea corals from physical damage caused by fishing gear, or to prevent loss or damage to such gear, after considering long-term sustainable uses of fishery resources in such areas. Such zones may include areas beyond known coral locations, if necessary, to ensure effectiveness. Management measures applied to deep sea coral zones may include restrictions on the location and timing of fishing activity, restrictions limiting fishing to specified vessel types, gear restrictions, and/or zones closed to fishing.

Management measures developed for deep sea coral zones could be applied to any federally regulated fishing activity within the range of the Atlantic mackerel, squid, and butterfish fishery as described in the FMP (even to activity or gears that are not used in these fisheries). Note that although the geographical range of this fishery includes the coastal and Exclusive Economic Zone (EEZ) waters of the U.S. East Coast, with a core fishery management area from North Carolina to Maine, the MAFMC is considering alternatives only within the Mid-Atlantic Council region.

- ***Bycatch Authority***<sup>6</sup>

Because corals are included in the MSA definition of “fish,” management measures could be developed to minimize bycatch of deep sea corals.

These authorities could be used together or separately to protect deep sea corals, however, the discretionary authority may allow for the greatest flexibility in designating areas for protection. The distribution of deep sea corals (both documented and inferred) extends well beyond the boundaries of current EFH designations, particularly in deeper areas. However, it should be noted that while federal agencies are required to consult with the National Marine Fisheries Service on activities that may adversely affect EFH, such consultations would not be required for coral zones developed using the discretionary authority.

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<sup>4</sup> Described in Sections 303 (a)(7) and 305(b) of the reauthorized Magnuson-Stevens Act (MSA).

<sup>5</sup> Described in Section 303(b)(2)(B) of the reauthorized MSA.

<sup>6</sup> Described in Section 301(a)(9) of the reauthorized MSA.

At this time, the Mid-Atlantic Council is expected to consider several types of management measures, including, but not limited to:

- No action; no additional measures would be adopted.
- Designation of deep sea coral protection zones under the discretionary authority described above, where fishing may be restricted in order to protect deep sea corals from physical damage caused by fishing gear. As described above, management measures under this authority may apply to any federally managed fishery within the range of the Atlantic mackerel, squid, and butterfish fisheries; however, the MAFMC is considering alternatives that would apply within the Mid-Atlantic Council region only.
- Designation of deep sea corals as a component of Essential Fish Habitat (EFH) or as Habitat Areas of Particular Concern (HAPCs).
- Measures to minimize bycatch of deep sea coral species.
- Special access programs to provide for continued fishing in or near deep sea coral areas for specific fisheries or gear types.
- Exploratory fishing programs to allow for future development of new fisheries in a way that protects deep sea corals.

The Council is seeking comments on the scope of alternatives to be considered in this amendment, as well as general comments or concerns relating to deep sea coral protections in the mid-Atlantic.

***What happens next?***

The MAFMC will first gather information during the scoping period. Next, the MAFMC will develop a range of management alternatives to be considered and prepare an Environmental Impact Statement (EIS) to analyze the impacts of the management alternatives being considered as required by the National Environmental Policy Act (NEPA). The EIS would seek to analyze and answer the above questions in addition to other issues that arise during scoping and/or amendment development.

A draft EIS will be distributed for public review. During a 45-day public comment period which will include public hearings, the public may comment on any aspect of the draft EIS. Following a review of the comments, the MAFMC will then choose preferred management measures for submission with the Final EIS to the Secretary of Commerce for publishing of a proposed and then final rule, both of which have additional comment periods.

If, during development of the draft EIS, it can be determined that the alternatives are not expected to have significant impacts on the human environment, an Environmental Assessment (EA) may be prepared in place of an EIS. This determination will depend on the scope of issues raised and the alternatives developed. Information obtained during the scoping process will be used to develop either an EIS or an EA as appropriate.

***Why your  
comments are  
important...***

This is the first and best opportunity for members of the public to raise concerns related to the scope of issues that will be considered in Amendment 16. The MAFMC needs your input both to identify management issues and develop effective alternatives. Your comments early in the amendment development process will help us address issues of public concern in a thorough and appropriate manner.

The measures outlined in this document are not a list of "preferred alternatives" or measures that the MAFMC will necessarily include in the amendment. No management measures have yet been analyzed for their effectiveness or impacts. Please comment on which management measures may or may not be useful or practical and explain your rationale. Please also comment on any other issues that should be addressed in Amendment 16. The list of relevant issues may be expanded as suggestions are offered during the scoping process.

***How do I  
comment?***

For the purposes of scoping, you may attend either of the scoping meetings to provide oral comments, or you may submit written comments by 11:59 p.m., Eastern Standard Time, on February 15, 2013 per the notice of intent and scoping, published in the Federal Register here:

<http://www.gpo.gov/fdsys/pkg/FR-2013-01-16/pdf/2013-00808.pdf>

Written comments on Amendment 16 may be sent by any of the following methods:

-Email to the following address: [nmfs.ner.msbam16@noaa.gov](mailto:nmfs.ner.msbam16@noaa.gov). Include "Deep Sea Corals Amendment Scoping Comments" in the subject; or

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-Fax to Chris Moore, Ph.D., 302-674-5399. Include "Deep Sea Corals Amendment Scoping Comments" in the fax.

**\*\*The public will be notified via the Federal Register of additional opportunities to comment later in the process, but again, this is the first and best opportunity for members of the public to raise concerns related to the scope of issues that will be considered in Amendment 16.\*\***