



Atlantic Mackerel, Squid, and Butterfish
Fishery Management Plan

Amendment 16 Scoping: Protections for Deep Sea Corals

Public Hearing Summaries and Written Comments

February 2013

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Scoping Hearings

The scoping period for Amendment 16 to the Mackerel, Squid, and Butterfish FMP (Protections for Deep Sea Corals) took place from January 16, 2013 to February 15, 2013. Two scoping hearings were held: one via webinar, and one at the February 2013 Council meeting in Hampton, VA. The public input from these hearings is summarized below:

February 5, 2013, 7 pm – 9 pm: Internet Webinar

Recording available at: <http://mafmc.adobeconnect.com/p5en6d0bsn4/>

Attendees:

Gib Brogan

Joseph Gordon

Alison Chase

Pam Lyons Gromen

Debra Abercrombie

Carl LoBue

Pam Lyons Gromen, representing Wild Oceans, a Project of the National Coalition for Marine Conservation (NCMC), expressed concern about the Council's Ecosystems Committee moving forward before the end of scoping process, but excitement that the Council has taken on this initiative and shown leadership on deep sea corals issues. The NCMC feels that it would be most appropriate for the Council to use a combination of authorities under the Magnuson-Stevens Act to protect deep sea corals, in part because the Essential Fish Habitat (EFH) provision would carry a consultation requirement. Gromen also offered that the Council should refer to the NOAA Strategic Plan for Deep Sea Corals, in particular the flowchart that maps approaches to protecting deep sea corals in surveyed vs. unsurveyed areas. The NCMC strongly recommends the inclusion of alternatives that put forth a precautionary, "freeze-the-footprint" approach that would not allow bottom tending gear in areas where it is not currently used, until these areas have been adequately surveyed for deep sea corals. The precautionary approach is particularly important in this action considering the life history and life span of deep sea corals.

Gib Brogan, representing Oceana, voiced agreement with the comments of Pam Lyons Gromen, and indicated that Oceana would comment at the second scoping hearing as well as submit written comments. Brogan requested that the Fishery Management Action Team (FMAT) meetings for Amendment 16 be publicized and open to the public.

Both the National Coalition for Marine Conservation and Oceana additionally submitted written comments via a joint letter also signed by the Blue Ocean Institute, Campaign for the Environment, Clean Water Network, Coastal Research and Education Society of Long Island, Conservation Law Foundation, The National Aquarium, Natural Resources Defense Council, Operation SPLASH, and the Wildlife Conservation Society.

February 13, 2013, 4 pm – 6 pm: Embassy Suites Hampton Roads, Hampton, VA

Recording available at: <http://mafmc.adobeconnect.com/p5wd845f3xs/> (See Chapter 3)

Attendees:

Gib Brogan

Joseph Gordon

Ousmane Ndiaye

Brad Sewell

Ingrid Biedron

Brad Sewell, representing the Natural Resources Defense Council, commented that deep sea corals are important and rare species that provide structure and shelter on the marine bottom, and enhance resilience to environmental change. He also noted that deep sea corals are slow-growing and highly vulnerable to disturbance. Sewell urged the Council to move this action along quickly, and to rely heavily on information developed by the New England Fishery Management Council’s Habitat Plan Development Team (Habitat PDT). The NRDC strongly recommends using a layered approach, with both discrete and broad deep sea coral zones used in tandem, drawing boundaries for these zones where suitable coral habitat lies. The New England Habitat PDT initially developed coral zone boundaries for locations where it was likely that exposed hard substrate would be found. Sewell urged the Council to use broad coral zones to implement a “freeze-the-footprint” of trawling approach, as outlined in the NOAA Strategic Plan for Deep Sea Corals. Any trawling in these deeper areas should be done in manner that will protect deep sea corals, and zones should be designated in a manner that minimizes impacts on fishermen and maximizes benefits to coral protection. The NRDC recommends using a combination of management authorities under the Magnuson-Stevens Act, including bycatch, discretionary deep sea coral zone, and EFH authorities. Sewell specifically noted the value of EFH designations, due to the corresponding consultation requirement, but did not wish to minimize value of deep sea coral zones under the discretionary authority. Finally, Sewell expressed the NRDC’s concern about creating fishery or gear exemptions and special access programs for deep sea coral zones, citing concern that discrete coral zones may be ineffective if sweeping exemptions to management measures are applied. The NRDC also submitted joint written comments as part of the group of organizations previously described.

Gib Brogan, representing Oceana, praised the Council for its leadership on deep sea coral issues and for building on the work of the New England Fishery Management Council. Brogan commented that the NOAA Strategic plan lays out a logical, stepwise approach to deep sea coral protections, and he hoped that the Council would refer to this and align their actions with the plan. Oceana also supports the use of broad and discrete deep sea coral zones in tandem, and the application of a precautionary, freeze-the-footprint approach to the broad zones. For the broad zones, Brogan recommended that the Council consider designations based on where the majority of fishing effort occurs, rather than just looking at options based on depth

contours. Brogan suggested the Council use the expertise of staff at NOAA's Deep Sea Coral Research and Technology Program to enhance the work of the FMAT and provide additional information to the Council. Finally, Brogan recommended that the Mid-Atlantic Council continue to coordinate with the New England Council on deep sea coral issues and avoid pitfalls in the process by learning from New England's experience.

Joseph Gordon, representing Pew Environment Group, thanked the Council for taking proactive steps to protect deep sea corals in the mid-Atlantic.

Example of 316 Similar Comments Received:

Jan 31, 2013

Mid-Atlantic Fishery Management Council

Dear Fishery Management Council,

We want to thank the Mid-Atlantic Fishery Management Council for initiating this action to help protect the region's unique and vulnerable deep sea coral communities. This is the moment to act -- bottom trawling currently does not occur in the Atlantic's submarine canyons and at the depths that most of the corals are found. We have a unique window to protect the deep sea corals and the ecosystems they help support before irreversible damage is done.

Over the past three years a concerted effort has been put forth by scientists and coral experts to document deep sea coral habitat and to design protective measures as part of a parallel deep sea coral protection initiative by the New England Fishery Management Council. Staff and members of the Mid Atlantic Council participated in this process, which was originally intended to encompass the entire Northeast region. We urge you to use this detailed body of work as you begin developing your own management plan.

We also strongly recommend that this Council adopt the following approach for its deep sea coral protection plan:

1. Prohibit bottom trawling and other destructive fishing gear in the undersea canyons and inter-canyon areas that are known or considered likely by scientists to contain deep sea corals; and
2. "Freeze the footprint" for bottom trawling so that, as recommended by the National Oceanic and Atmospheric Administration, destructive fishing gear is not allowed to expand into deeper, untrawled areas until it is determined that coral communities are not present. As part of plan development, the Council should identify where most bottom trawling occurs (i.e., 90-95%) and set the landward boundary for this coral protection area at this depth.

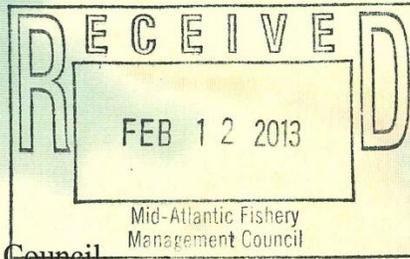
This layered approach provides flexibility to both protect deep sea coral resources in the region while minimizing any possible financial impacts on fishermen. It also mirrors what the New England Council is considering.

We greatly appreciate the opportunity to help shape this historic move by the Council to protect some of our ocean's most endangered resources.

Sincerely,

[Name]

[Address]



Linn D. Barrett
4305 29th Street Road
Greeley, CO 80634

Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street
Suite 201
Dover, DE 19901

February 1, 2013

Re: Deep sea corals amendment scoping comments

Dear Dr. Moore:

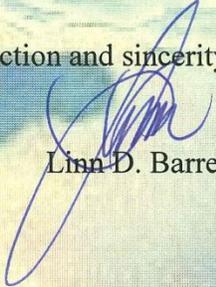
Please accept this letter as my expression of appreciation to the Mid-Atlantic Fishery Management Council for initiating action to protect deep sea coral communities in the Mid-Atlantic Ocean.

I am aware that over the past three years, scientists and coral experts have put forth a concerted effort to document deep sea coral habitat and to design protective measures as part of a parallel deep sea coral protection initiative by the New England Fishery Management Council. I ask that as you begin to develop your own deep sea coral management plan, you please use the scientific data and documentation put together by the New England Fishery Management Council. In addition, I urge you to please incorporate the following measures into your deep sea coral protection plan:

1. Prohibit bottom trawling and other destructive fishing gear in undersea canyons and inter-canyon areas
2. "Freeze the footprint" for bottom trawling so that, as recommended by the National Oceanic and Atmospheric Administration, destructive fishing gear is not allowed to expand into deeper, un-trawled areas.
3. Identify where most bottom trawling occurs and set the landward boundary for this coral protection area at this depth.

I believe that incorporating these three measures will provide ability to protect deep sea coral and concurrently minimize financial impacts on fishermen. Thank you for the opportunity to comment on the deep sea corals amendment.

With utmost conviction and sincerity,


Linn D. Barrett

Comment from Jean Public:

From: **Jean Public** <jeanpublic1@yahoo.com>

Date: Thu, Jan 17, 2013

Subject: Fw: public comment on federal register HIGHLY CORRUPT SYSTEM WHERE PROFITEERS IN FISH INDUSTRY KEEP TIT GOING FOR THEMSELVES AND THEIR PROFITS

i certainly support protecting corals. your records should reflect that off the coast of nj they are constantly destroying ships in the ocean, putting old subway cars in the ocean with disregard for coral protection. you need to stop those people who use the ocean as a dumping ground. there is no need for this dumping in the ocean and using the ocean as a dump. those profiteers in nj dep should be stopped from doing this - nj div fish & wildlife killing is behind this. this comment is for the public record. jean public

THIS GOVT AGENCY NEEDS CLEANOUT

Comment from Dr. Jay Albrecht:

From: <Jayverse@aol.com>

Date: Wed, Jan 23, 2013

Subject: Deep sea corals scoping comments

Over a third of the oceans' corals are dead; more are dying, from ocean heating, acidification, pollution, predatory starfish and other aquatic pests. Coral reefs are a primary shelter for thousands of species and indeed, are essential to many fish populations as well as ocean health...yet, mankind pays little attention to their degeneration. This must be remedied before it's too late.

Jay Albrecht, PhD

Comment James Ratzloff:

From: **James Ratzloff** <jim@poetsheart.com>
Date: Thu, Jan 31, 2013
Subject: Deep sea corals amendment scoping comments

Jan 31, 2013

Mid-Atlantic Fishery Management Council

Dear Fishery Management Council,

Please protect deep sea coral that have been growing for hundred or thousands of years. New fishing technology puts them at risk. Please freeze the current locations that are trawled, and protect these fragile areas in deep sea canyon.

Thank You. - Jim Ratzloff

Sincerely,

Mr. James Ratzloff
3784 Union Ct
Wheat Ridge, CO 80033-5320

Comment from Joe Whetstone:

From: **Joe Whetstone** <pj3whetstone@gmail.com>
Date: Fri, Feb 15, 2013
Subject: Please protect deep-sea coral

If you protect the coral you may also insure the survival of more fish species.

On January 18, 2013, the National Oceanic and Atmospheric Administration (NOAA) announced its intentions to develop a plan for the protection of deep-sea coral from fishing operations in the mid-Atlantic region.

Comment from James Fletcher (unfa34@gmail.com):

Comments on Mid Atlantic Fishery Management Council Deep sea Coral.

Corals are found on the Mid Atlantic Ridge, and those occurring within The Mid Atlantic Fishery Management Council jurisdiction are few, Most coral colonies recorded at less than a meter across, thus any coral is at the fringe zone from the Mid Atlantic Fishery Management Council. NO mortality estimates exist for redistributed coral from fishing activity. Scientific integrity would demand fact: Group think that fishing is bad prevalent in the scientist on the Deep Sea coral development team shows bias by the scientist and council staff.

Why the Council chooses to develop a deep sea Coral plan indicates an anti Fishing mentality. A 5000 mile protected habitat at the mid atlantic ridge exist for coral yet the Mid Atlantic Fishery Management Council staff chooses to develop a Coral protection plan! WHY! ANTI COMMERCIAL FISHING! No mentioning of chemicals affecting deep sea coral, no mention of Cruse Ships dumping sewage & other chemicals affecting deep sea corals.

What are the odds that sea floor trawling helps relocate corals? What are the odds that trawling exposes hard structure for deep sea corals to relocate on? We will never know because of Group think Mentality that Commercial fishing is BAD & DISTRUCTIVE.

Does the possibility exist that staff & science sport fish & are biased against commercial production of food? YES! Deep sea Coral is yet another group think science not based on fact!

Deep Sea Coral: **Deep-sea coral habitats on seamounts on the Mid-Atlantic Ridge between Iceland and the Azores has now been described based on video surveys using ROV and bycatch from longline and trawl on the 2004 MAR-ECO expedition.** Pål B. Mortensen (Institute of Marine Research, Bergen, Norway) presented the results at the third International Deep-Sea Coral Symposium, which was held in Miami, November 2005.

- Corals were observed on most sites inspected from depths around 800 m down to around 2600 m. Octocorals dominated the coral fauna which comprised a total number of 30 taxa. The coral diversity was higher in the southern area compared with the northern, tells Mortensen.

Living scleractinians (*Lophelia pertusa* and *Solenosmilia variabilis*) were repeatedly observed on the seamounts but always with relatively small colonies. The deepest record was at 1414 m, south of the Charlie Gibbs Fracture Zone.

- We did not observe massive live reef structures, and the largest colony was approximately half a meter across. Remains of former large *Lophelia*-reefs were observed at several locations.

Orange roughy
"resting" on corals
(*Lophelia pertusa* or
Solenosmilia
variabilis).

The number of megafaunal species was higher in areas where corals dominated compared to areas without coral. Typical taxa that co-occurred with *Lophelia* were crinoids, certain sponges, the bivalve *Acesta excavata*, and squat lobsters.

-. Different possible reasons of the decease of these reefs such as climate change or destructive fisheries are discussed.

Occurrence of deep-water corals on the Mid-Atlantic Ridge between the southern part of the Reykjanes Ridge and the Azores has been examined based on video surveys using remotely operated vehicles (ROV) and bycatch from longline and bottom trawl. Eight sites were surveyed with ROVs, and the bycatch material came from 16 trawl hauls and nine longline sets. Corals were observed at all sites surveyed with ROVs at depths between 800 and 2400 m, but most commonly shallower than 1400 m. The species richness of corals was high, with a total of 40 taxa recorded. Octocorals dominated the coral fauna with 27 taxa. *Lophelia pertusa* was one of the most frequently observed corals, present at five of the eight surveyed sites. It occurred on basaltic outcrops on the seamounts but always as relatively small colonies (<0.5 m in diameter). Massive live reef structures were not observed. The deepest record of *Lophelia* was at 1340 m, south of the Charlie Gibbs Fracture Zone. Accumulations of dead debris of coral skeletons could indicate a presence of former large *Lophelia* reefs at several locations. The number of megafaunal taxa was 1.6 times higher in areas where corals were present compared to areas without corals. Typical taxa that co-occurred with *Lophelia* were crinoids, certain sponges, the bivalve *Acesta excavat*

CLEARLY DEEP SEA Corals are not in danger!

One must assume that the Mid Atlantic Fishery Management Council has other alternative reasons for proposing a deep sea Coral plan.

Public comment is NO ACTION:

DEVELOP A LIST OF MAN MADE CHEMICAL OCCURRING IN THE OCEAN AND THE CANYONS WITHIN THE Mid Atlantic Fishery Management Council JURISDICTION

WHERE IS AN OCEAN AQUACULTURE PLAN FOR THE Mid Atlantic Fishery Management Council ??

WHERE IS ANY ACTION TO ENHANCE FISHERIES PRODUCTION BY Mid Atlantic Fishery Management Council ?

Why is Mid Atlantic Fishery Management Council concerned about less than a yard groups of Deep sea Coral & not concerned about chemicals that kill the coral?

The recreation industry has caused small but significant localised damage to coral reefs. Flipper damage by SCUBA divers is widespread, but certain activities, such as underwater photography, finds divers breaking corals to get at subjects and trampling reef habitats in order to get the perfect shot.

Anchor damage from boats is another problem at tourist destinations. Experiments have proven that repeated breakage of corals, such as caused by intensive diving tourism, may lead to substantially reduced sexual reproduction in corals, and eventually lower rates of re-colonisation. In the northern Red Sea, another popular diving destination, efforts are underway to install permanent moorings to minimise the damage to reefs from anchors.

James Fletcher

123 Apple Rd Manns Harbor North Carolina 27953

2-15-2013

**BLUE OCEAN INSTITUTE
CITIZENS CAMPAIGN FOR THE ENVIRONMENT
CLEAN WATER NETWORK
COASTAL RESEARCH AND EDUCATION SOCIETY OF LONG ISLAND
CONSERVATION LAW FOUNDATION
THE NATIONAL AQUARIUM
NATIONAL COALITION FOR MARINE CONSERVATION
NATURAL RESOURCES DEFENSE COUNCIL
OCEANA
OPERATION SPLASH
WILDLIFE CONSERVATION SOCIETY**

February 15, 2013

Dr. Chris Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street
Suite 201
Dover, Delaware 19901

Re: Deep Sea Corals Amendment Scoping Comments

Dear Dr. Moore,

Our organizations write in response to the invitation of the Mid-Atlantic Fishery Management Council (Council) for comments on the scoping of Amendment 16 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan, which would implement measures to protect deep sea corals in the region from fishing gear impacts. We enthusiastically support the Council's proposed amendment and fully anticipate that this will be a historic act to protect these fragile resources and the ecological communities that rely on them.¹

As you know, deep sea corals, such as those found in the Mid-Atlantic region, are rare and important ocean organisms, enhancing marine biodiversity and providing shelter and nursery habitat for many species of fish and crustaceans. Because they are slow-growing (some species living hundreds of years or more) and fragile, deep sea corals are also highly vulnerable to fishing gear impacts.

¹ Please note that, in addition to these joint comments, a number of the abovementioned organizations are individually submitting detailed comments.

The Council's scoping document calls important attention to the need to protect deep sea corals and sets out a range of alternatives – including for designations of deep sea coral protection areas and management measures to be applied to such areas. Our groups strongly support the layered approach for deep sea coral protection suggested by the scoping document and urge the Council to:

1. Designate discrete coral protection areas encompassing the specific submarine canyons and inter-canyon areas that are known or considered likely by scientists to contain deep sea corals and prohibit the use of bottom trawling and other destructive fishing gear in these designated areas; and,
2. Designate a broad coral protection area encompassing the deeper bottom in the region that is not yet trawled (*i.e.*, deeper than 90-95% of prior documented bottom trawling activity) and place strict restrictions for the use of bottom-tending gear in this area that will ensure deep sea corals are proactively identified and protected, including permitting and requirements for observers.

As the industrialization of our oceans increases, the Council's proposed amendment will not only protect deep sea corals from fishing gear impacts, but also will serve as an important barrier to future harm to the marine environment from non-fishing development. This is particularly important for the region's submarine canyons, which are highly significant habitats.

We congratulate the Council for its vision and initiative on deep sea coral protection. We appreciate the opportunity to provide early input on this action and stand ready to assist you in making rapid progress in developing and approving Amendment 16.

Sincerely,

Brad Sewell
Senior Attorney
Natural Resources Defense Council

Gib Brogan
Northeast Representative
Oceana

Adrienne Esposito
Executive Director
Citizens Campaign for the Environment

Greg Cunningham
Senior Attorney
Conservation Law Foundation

Rob Weltner
President
Operation SPLASH

Arthur H. Kopelman, Ph.D. President
Coastal Research and Education Society of Long Island

Pam Lyons Gromen
Executive Director
National Coalition for Marine Conservation

Natalie U. Roy
Executive Director
Clean Water Network

Carl Safina, Ph.D.
President
Blue Ocean Institute

John F. Calvelli
Executive Vice President
Wildlife Conservation Society

Laura Bankey
Director of Conservation
The National Aquarium



February 15, 2013

Dr. Chris Moore, Executive Director
Mid-Atlantic Fisheries Management Council
800 North State Street, Suite 201
Dover, DE 19901
Via email: nmfs.ner.msbam16@noaa.gov

Re: Scoping Comments on Amendment 16 to the Atlantic Mackerel, Squid, and Butterfish FMP – Measures to Protect Deep Sea Corals from Impacts of Fishing Gear

Dear Dr. Moore:

The Nature Conservancy sincerely appreciates the Mid-Atlantic Fishery Management Council's recent decision to consider management actions to protect deep sea corals from impacts of fishing gear, included as part of Amendment 16 to the Fishery Management Plan for Atlantic Mackerel, Squid and Butterfish (MSB). We offer the following comments on the scoping document.

The mission of The Nature Conservancy is to conserve the lands and waters on which all life depends. With the support of more than one million members, The Nature Conservancy has developed more than 150 marine conservation projects in 32 countries and every coastal state in the U.S., including those along the Atlantic seaboard. The work of the Conservancy is based on sound science, focused on solutions, committed to tangible and lasting results, and advanced through diverse partnerships.

Our recently completed Northwest Atlantic Marine Ecoregional Assessment and our Mid-Atlantic marine conservation planning efforts both highlighted an urgent need for additional measures to protect the region's cold-water corals from human use impacts, including from fishing. Again, we commend the Mid-Atlantic Fishery Management Council (Council) for its leadership in initiating this scoping process.

Cold-water coral colonies are relatively rare and well-known to be vulnerable to damage and destruction from seafloor disturbing activities. In addition to their biodiversity value and their value as habitat for diverse fish species, individual cold-water coral colonies may persist for thousands of years—providing research opportunities that include a window in time to prior ocean conditions and identification of novel compounds for potential pharmaceutical applications.

In 2011, The Nature Conservancy provided technical counsel to support the development of coral protection options in connection with EFH Omnibus Amendment process being led by the New England Fisheries Management Council (NEFMC) in coordination with the Council. We encourage the Council to build on the coral distribution maps and management options already developed by NEFMC, Council staff, and invited experts by integrating new information from the 2013 Atlantic Canyons Undersea Mapping Expedition survey.

Unfortunately, anecdotal evidence strongly suggests that the extent and abundance of cold-water coral and sponge communities has been greatly reduced by fishing activities over the past century. However, the

opportunity to secure significant gains in coral conservation while minimizing fishing community impacts is currently quite high as preliminary analysis suggests very little overlap between fishing activity with gear types known to damage coral and the current known coral distribution at the edge of the continental shelf and deeper.

At this stage of Amendment development, we recommend that the Council develop a public review document that includes all three types of authority provided by the Magnuson-Stevens Act (Essential Fish Habitat, Discretionary Authority to Designate Deep Sea Coral Zones, and By-catch Authority).

Using one or more of these authorities, we urge the Council to develop management options that prohibit the use of destructive fishing gear in submarine canyons and other areas where cold-water coral and/or sponge communities are known or highly likely to persist. We strongly recommend that such measures be crafted in tandem with additional options to minimize damage and maximize discovery in broad deep water zones (deeper than 100m) where cold-water coral occurrence is poorly documented and there is currently little to no fishing activity using habitat damaging gear types. We also encourage the Council to recognize the biodiversity and fishery production value of cold water coral patch communities that are poorly mapped but known to occur on the continental shelf at shallower depths (15-50 meters). These patches are likely remnants of a formerly much more extensive habitat type and are currently at high risk of destruction. They are also known to provide habitat for important managed species, most notably black sea bass and tautog. Whether through this amendment or some other appropriate vehicle, we submit that enhancing protection for these coral-dominated communities is a high priority.

We appreciate the opportunity to provide these comments. If you have any questions please contact Jay Odell, our Mid-Atlantic Program Director, at 804-644-5800 or jodell@tnc.org. We thank you for your consideration, and we look forward to assisting the Council's efforts to develop and selecting options that achieve both cold-water coral protection and fisheries management goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Cook', with a large, sweeping flourish extending to the left.

John Cook
Director, Eastern U.S. Division

cc:

Lise Hanners, Director of Conservation, Eastern U.S. Conservation Division
William Ulfelder, New York State Director
Barbara Brummer, New Jersey State Director
Richard Jones, Delaware State Director
Steve Bunker, Maryland/D.C. State Director (acting)
Michael Lipford, Virginia State Director
Katherine Skinner, North Carolina State Director
Sally McGee, Northeast Marine Program Director
Jay Odell, Mid-Atlantic Marine Program Director
Mary Conley, Southeast Marine Conservation Director
Kameran Onley, United States Marine Policy Director
Kacky Andrews, North America Oceans and Coasts Program Director
Lynne Hale, Global Marine Initiative Director



Chris M. Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Peter L. deFur
Environmental Stewardship Concepts, LLC
1006 Pump Rd. Suite 200
Henrico, VA 23238

Dear Chris,

Thank you for the opportunity to comment on Amendment 16 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management regarding best management practices to protect deep sea corals from the impacts of fishing gear. As a member of the public and recreational fisherman, I have continued to follow the progress of this amendment and appreciate the commitment of the Fishery Management Council to this issue. I know the council will consider seriously my comments on Amendment 16.

The scoping document accurately presents the nature of the issue, the need to protect deep sea corals, and the biological aspects of this important group of marine animals. The Council has considered the context of protecting deep sea corals with regard to the coast wide occurrence and coordination with New England and South Atlantic efforts. Both the New England and South Atlantic Councils have been involved with the MAFMC effort and discussions through Council activities and Council staff.

After considering the options for a general strategy to protect deep sea corals, the FMAT favors using discretionary authority to establish protective zones, an approach used in the South Atlantic and developed by the New England Council. I agree that this approach is the most promising in terms of effectiveness and regulatory appropriateness.

The scope of issues presented for consideration is quite complete and presents a range of options that have every chance of achieving the goal of protecting deep sea corals. The No Action alternative, as per definition, will not achieve the goal and is inadequate to provide the needed protection and I do not support Alternative 1 and urge the Council to reject Alternative 1.

Alternatives 2 and 3 are not mutually exclusive, but provide complementary measures, as considered in NEFMC options for EFH amendments and as enacted by the SAFMC.



Alternatives 2 and 3 can be combined in a way that protects areas seaward of a depth contour and protects canyons on the basis of slope and canyon delineation. The advantage to using the combination of Alternatives 2 and 3 is the protection of areas where deep sea corals have been observed and areas that are similar and represent suitable habitat. I favor a combination of these two alternatives and believe the ranges presented in the scoping document are adequate for public comment.

The alternatives for exemptions are adequate for public comment and consideration, and each has advantages from a different perspective. I look forward to reading the FMAT analysis of each of the exemption options in terms of how each will protect deep sea corals.

Similarly, the framework provisions also present an adequate range of options.

As noted during the February meeting of the Ecosystems Committee meeting of the MAFMC, one of the challenges for an amendment such as this one is the terminology and measurement units. Specifically, different depth measurements prevail in different contexts: fathoms, meters, feet, etc. The document would be better received in the public discussion by using common metrics or including an equivalence table to convert feet, meters and fathoms.

I appreciate the opportunity to comment on this important action and look forward to the next step and completion of this amendment that will provide important protections for deep sea corals.

Yours truly,

Peter L. deFur, Ph.D.

February 15, 2013

Dr. Chris Moore
Executive Director, Mid-Atlantic Fishery Management Council
800 North state Street, Suite 201
Dover, DE 19901

Via email to: nmfs.ner.msbam16@noaa.gov

Re: Deep-Sea Coral Scoping Comments

Dr. Moore:

Oceana thanks the Mid-Atlantic Fishery Management Council (MAFMC) for its leadership in identifying and conserving deep-sea corals in the Mid-Atlantic region through Amendment 16 to the Squid Mackerel and Butterfish Fishery Management Plan. The presence of deep-sea coral ecosystems in the region and around the world has been documented for many years and it is encouraging that the Council is taking action to protect these vulnerable areas in the near future.

As the Council begins its work on Amendment 16, Oceana offers the following comments on various elements of the process.

Authority for Action

Oceana agrees with the information presented by Council staff during the scoping process for Amendment 16 that there is little doubt as to the Council's authority to conserve deep sea corals. The authority includes, among other authorities and mandates of the Magnuson-Stevens Act (MSA), 1) the discretionary coral conservation authority provided by the Magnuson-Steven Reauthorization Act, 2) the requirement to reduce bycatch under National Standard 9 and 3) the requirement to conserve Essential Fish Habitat¹.

As the Council moves forward in developing its range of alternatives for deep-sea coral conservation and management, Oceana encourages the Council to draw from each of these authorities to support this action.

¹ See MSA 301(a)(9) (Bycatch), 303(a)(7) (Essential Fish Habitat), 303(a)(1) (preventing overfishing), 303(b)(2)(B) (Deep-sea coral discretionary authority) and 303(b)(12) (conservation of target and non-target species)

Scientific Support for Action

Oceana is encouraged that the Mid-Atlantic Council is building on the foundation of analysis and research that was started by the New England Fishery Management Council in support of the New England Fishery Management Council (NEFMC) Omnibus Essential Fish Habitat Amendment (now Omnibus Deep-sea Coral Amendment). The years of work by the NEFMC habitat committee, Plan Development Team (PDT) and other groups represents the best information available on the extensive, well-documented presence of coral ecosystems in the northeast region, the high likelihood of additional coral ecosystems in unexplored areas and the adverse effects of fishing gears on corals in the region. Oceana submits the NEFMC PDT background document² to the Council for its consideration and to support the development of Amendment 16.

Development of Management Alternatives for Deep-sea Corals

Oceana is encouraged by the preliminary range of options and alternatives that have been presented by Council staff as part of the scoping process. These options reflect the many years of hard work that have gone into the development of the NEFMC deep-sea coral amendment and present the MAFMC with a solid starting point for developing management measures for the Mid-Atlantic.

As the MAFMC begins development of its range of alternatives to manage deep-sea corals within the jurisdiction described in the MSA and underscored in the draft Memorandum of Understanding between the Atlantic fishery management councils,³ Oceana encourages the Council to follow the NOAA Strategic Plan which guides fisheries managers like the MAFMC when developing alternatives to address deep-sea coral conservation.⁴ This strategy document provides critical background information to support the Council's work on Amendment 16 including a section on Conservation and Management Strategy for deep-sea corals and should be provided to each Council member, Advisory Panel member, and member of the Fishery Management Action Team (FMAT) to guide the development of Amendment 16.

Oceana fully supports the approaches included in the NOAA strategy document for the conservation of both known coral areas and areas that may support coral and sponge communities. These two approaches when used together to address known and unknown coral areas complement one another, lead to meaningful conservation of

² Deep-sea corals of the Northeast Region: Species, Habitats and Proposed Coral Zones, and Vulnerability to Fishing Impacts. NEFMC Memo March 2012. <http://www.nefmc.org/habitat/deep-sea%20corals/Background%20information%20about%20deepsea%20corals%20and%20their%20habitats.pdf>

³ DRAFT Memorandum of Understanding Regarding the Management of Deep Sea Coral, page 3:

⁴ National Oceanic and Atmospheric Administration, Coral Reef Conservation Program. 2010. NOAA Strategic Plan for Deep-Sea Coral and Sponge Ecosystems: Research, Management, and International Cooperation. Silver Spring, MD: NOAA Coral Reef Conservation Program. NOAA Technical Memorandum CRCP 11. 67 pp.

these important coral areas and represent 'best management practices' for deep sea corals.⁵

Known coral areas- there are a number of areas within the MAFMC jurisdiction that have been shown through field exploration to host deep-sea coral ecosystems.⁶ It has been documented for many years that these areas are particularly vulnerable to the effects of fishing gears and in particular trawls and dredges:

'Bottom trawling is the largest potential threat to deep coral habitat for several reasons: the area of seafloor contacted per haul is relatively large, the forces on the seafloor from the trawl gear are substantial, and the spatial distribution of bottom trawling is extensive.'⁷

Recovery in these areas may take decades or centuries, if at all possible.⁸

Because of this vulnerability and extraordinarily long recovery time, the Council should develop management alternatives to prohibit the use of bottom-tending mobile fishing gears (trawls and dredges) in known coral areas.

Additionally, because of the known presence of corals in these areas, management measures should be enacted regardless of whether the area is currently fished in an effort to conserve these documented coral aggregations.

Areas that May Support Corals- the vast majority of the area under consideration for conservation of deep-sea corals in Amendment 16 has not been explored. In these situations, Oceana supports the Freeze the Footprint management approach that will prohibit fishing in areas that have not been fished in the past 5-10 years unless and until the area can be mapped and characterized to show the locations of fishable areas which are free of coral.

The scoping documents already include options for this approach and Oceana enthusiastically supports these options. Oceana encourages the Council and the FMAT to expand the range of options for defining areas that have qualify as fished and unfished for the purposes of this broad area approach. Oceana suggests that in addition to a full range of depth-based alternatives (including 100m, 200m, 300m) the Council and the FMAT should develop an empirical alternative that uses available fishing effort data for the last 5-10 years to determine where, in practice, fishing effort has been occurring. This information should be used as the foundation of a

⁵ Hourigan, T.F. Managing fishery impacts on deep-water coral ecosystems of the USA: emerging best practices. Marine Ecology Progress Series. December 17, 2009.

⁶ Deep-sea corals of the Northeast Region: Species, Habitats and Proposed Coral Zones, and Vulnerability to Fishing Impacts.

⁷ Lumsden SE, Hourigan TF, Bruckner AW, Dorr G (eds.) 2007. The State of Deep Coral Ecosystems of the United States. NOAA Technical Memorandum CRCP-3. Silver Spring MD. Page 23 (<http://www.nmfs.noaa.gov/habitat/dce.html>)

⁸ Ibid, p. 25

management alternative that will prohibit the use of bottom tending mobile gears deeper than a line that represents the limits of 90-95% of recent fishing effort. Oceana encourages the Council to look at the example of Freeze the Footprint management that has been used in the North Pacific region using evidence from the fishing fleet as the basis for defining fished versus unfished areas. This approach will reflect the true behavior of the fishery instead of the Council's perception of the behavior of the fishery and improve coral management while minimizing the impacts on current fisheries.

Future Access- the development of the Freeze the Footprint approach is not intended to be a permanent action for the region. Instead this precautionary approach will prohibit fishing in unfished areas until new information is available that supports future fisheries access to unfished areas.

Oceana supports the development of an access program to provide the fisheries of the region opportunities to fish in currently unfished areas that do not support corals and encourages the MAFMC to develop a stringent set of standards under which future access will be granted. As the NOAA strategy instructs, any future access granted must be based on research surveys that 'demonstrate that proposed fishing will not cause serious or irreversible damage to such ecosystems in those areas'⁹ and include an environmental review process to ensure that fishing will not have significant impacts on the seafloor.

Additionally this program should include permitting requirements, enhanced observer coverage, move-along rules to direct effort away from coral areas, coral bycatch caps to limit coral bycatch and a periodic review process to assess the efficacy of this access program.

Council Process for Developing Amendment 16

It is encouraging that the MAFMC is drawing from the expertise in the NEFMC Habitat PDT to staff the deep-sea coral FMAT that is developing Amendment 16. This expertise will be valuable to the council as it moves forward. Oceana would like to suggest as the Council moves forward with Amendment 16 that whenever possible the NEFMC habitat plan coordinator should be involved with the work of the Amendment 16 FMAT and attend FMAT meetings. This will improve the work of the FMAT, avoid pitfalls that have slowed the NEFMC process and also make the work of the FMAT consistent with the language of the Memorandum of Understanding that has been developed for inter-council work on deep-sea corals.¹⁰

Additionally Oceana encourages the MAFMC to work with the Deep-sea Coral Conservation Program at NOAA Headquarters to improve the Amendment 16 process.

⁹ NOAA Deep-Sea Coral Strategy, page 35.

¹⁰DRAFT Memorandum of Understanding Regarding the Management of Deep Sea Coral, page 3: 'MAFMC staff and/or the MAFMC liaison will attend NEFMC Habitat PDT and Oversight Committee meetings relevant to corals, and NEFMC staff and/or the NEFMC liaison will attend relevant MAFMC meetings.'

The staff from this office were extremely valuable to the NEFMC habitat process particularly when explaining the intricacies of the NOAA strategy for coral management. The MAFMC should use this expertise during the development of Amendment 16 as well.

Finally, as a longtime stakeholder in the conservation of deep-sea corals Oceana requests that the MAFMC publicize its deep-sea coral FMAT meetings and make those open to the public. Throughout the development of the NE Omnibus Habitat Amendment it has become clear that a wide range of stakeholders have technical expertise in the policy and science behind deep-sea coral conservation and management. Making the FMAT meetings accessible will allow these stakeholders and experts to fully participate in the development of Amendment 16 and ultimately improve the end product.

Oceana thanks the MAFMC for its work to advance the conservation of deep-sea corals in the Mid-Atlantic region. We are encouraged by the attention that this issue has been given by the Council, work that has been done to date by Council staff, and the ambitious timeline that the Council has set for developing and approving the amendment.

We look forward to participating in the development of Amendment 16 and thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gib Brogan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gib Brogan
Northeast Representative
Oceana
Wayland, MA