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**MEMORANDUM FOR:** Roy E. Crabtree, Ph.D.  
Regional Administrator, Southeast Region  
NOAA National Marine Fisheries Service  
263 13th Avenue South  
St. Petersburg, FL 33701

**FROM:** Billy D. Causey, Ph.D.   
Regional Director  
Southeast Atlantic, Gulf of Mexico and Caribbean Region

**DATE:** October 23, 2015

**SUBJECT:** Essential Fish Habitat Assessment and Consultation on Southeast  
and Gulf of Mexico Region Field Operations Programmatic  
Environmental Assessment

NOAA's Office of National Marine Sanctuaries (ONMS) requests a general concurrence from NOAA's National Marine Fisheries Service (NMFS) pursuant to §305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 15 U.S.C. 1855(b)) for field operations in the Southeast and Gulf of Mexico region.

ONMS determined that while some of its field operations could adversely impact designated Essential Fish Habitat, the impacts would be minor. In addition, the thorough mitigation measures already in place for field operations in the region will ensure any adverse impacts remain below the minimum threshold.

The attached Draft Programmatic Environmental Assessment and Essential Fish Habitat (EFH) Assessment describe in detail the activities and mitigations within the scope of this analysis. The EFH Assessment forms part of the broader environmental assessment for the region's field operations, but is also attached separately here for your ease of reference. Although ONMS is requesting a general concurrence, should NMFS provide any Conservation Recommendations; these will also be included in the programmatic environmental assessment.

Thank you for your assistance; we look forward to working with you as you complete this review.

**cc:** David Dale  
Fishery Biologist, Habitat Conservation Division

**Enclosure:** Draft Programmatic Environmental Assessment and Essential Fish Habitat  
Assessment for Southeast and Gulf of Mexico Field Operations

**Flower Garden Banks**  
National Marine Sanctuary  
4700 Avenue U, Bldg 216  
Galveston, TX 77551

**Florida Keys**  
National Marine Sanctuary  
33 East Quay Road  
Key West, FL 33040

**Gray's Reef**  
National Marine Sanctuary  
10 Ocean Science Circle  
Savannah, GA 31411

**Flower Garden Banks  
National Marine Sanctuary  
4700 Avenue U, Bldg 216  
Galveston, TX 77551**

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33 East Quay Road  
Key West, FL 33040**

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Savannah, GA 31411**

## Essential Fish Habitat Assessment

### 1.0 Introduction

The consultation requirements of §305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 15 U.S.C. 1855(b)) provide that:

- Federal agencies must consult with the Secretary on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect essential fish habitat (EFH);
- the Secretary shall provide recommendations (which may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH) to conserve EFH to Federal or state agencies for activities that would adversely affect EFH;
- the Federal action agency must provide a detailed response in writing to the National Marine Fisheries Service (NOAA Fisheries) and to any Council commenting under §305(b)(3) of the MSA within 30 days after receiving an EFH Conservation Recommendation.

### 2.0 Program Description

The Programmatic Environmental Assessment of Field Operations in the Southeast and Gulf of Mexico National Marine Sanctuaries developed by NOAA's Office of National Marine Sanctuaries (ONMS) describes current and ongoing activities for research and management in three sites: Gray's Reef National Marine Sanctuary, Florida Keys National Marine Sanctuary, and Flower Garden Banks National Marine Sanctuary.

Section 2 of this document, the *Description of Proposed Action and Alternatives*, describes the activities ONMS undertakes as part of its field operations in these sites.

### 3.0 Essential Fish Habitat in the Region

Gray's Reef National Marine Sanctuary, Flower Garden Banks National Marine Sanctuary and Florida Keys National Marine Sanctuary overlap with EFH in the Gulf of Mexico for Red Drum, Reef Fish, Coastal Migratory Pelagics, Shrimp, Stone Crab, Spiny Lobster and Coral. A complete description of the EFH designations and the criteria used to determine them is available in the Gulf of Mexico Fishery Management Council's *Final Gulf Council EFH Amendment* (March 2005).

Red Drum EFH: all estuaries; Vermilion Bay, Louisiana, to the eastern edge of Mobile Bay, Alabama, out to depths of 25 fathoms; Crystal River, Florida, to Naples, Florida, between depths of 5 and 10 fathoms; and Cape Sable, Florida, to the boundary between the areas

covered by the GMFMC and the South Atlantic Fishery Management Council (SAFMC) between depths of 5 and 10 fathoms.

Reef Fish and Coastal Migratory Pelagics EFH: all estuaries; the US/Mexico border to the boundary between the areas covered by the GMFMC and the (SAFMC) from estuarine waters out to depths of 100 fathoms.

Shrimp EFH: all estuaries; the US/Mexico border to Fort Walton Beach, Florida, from estuarine waters out to depths of 100 fathoms; Grand Isle, Louisiana, to Pensacola Bay, Florida, between depths of 100 and 325 fathoms; Pensacola Bay, Florida, to the boundary between the areas covered by the GMFMC and the SAFMC out to depths of 35 fathoms, with the exception of waters extending from Crystal River, Florida, to Naples, Florida, between depths of 10 and 25 fathoms and in Florida Bay between depths of 5 and 10 fathoms.

Stone Crab EFH: all estuaries; the US/Mexico border to Sanibel, Florida, from estuarine waters out to depths of 10 fathoms; and from Sanibel, Florida, to the boundary between the areas covered by the GMFMC and the SAFMC from estuarine waters out to depths of 15 fathoms.

Spiny Lobster EFH: from Tarpon Springs, Florida, to Naples, Florida, between depths of 5 and 10 fathoms; and Cape Sable, Florida, to the boundary between the areas covered by the GMFMC and the SAFMC out to depths of 15 fathoms.

Coral EFH: the total distribution of coral species and life stages throughout the Gulf of Mexico including: coral reefs in the North and South Tortugas Ecological Reserves, East and West Flower Garden Banks, McGrail Bank, and the southern portion of Pulley Ridge; hard bottom areas scattered along the pinnacles and banks from Texas to Mississippi, at the shelf edge and at the Florida Middle Grounds, the southwest tip of the Florida reef tract, and predominant patchy hard bottom offshore of Florida from approximately Crystal River south to the Florida Keys. Coral and live bottom areas of SAFMC jurisdiction, including The Ten-Fathom Ledge, Big Rock, and The Point; Hurl Rocks and The Charleston Bump; Gray's Reef National Marine Sanctuary; The Phragmatopoma (worm reefs) reefs off the central east coast of Florida; nearshore (0-4 meters; 0-12 feet) hard bottom off the east coast of Florida from Cape Canaveral to Broward County); offshore (5-30 meter; 15-90 feet) hard bottom off the east coast of Florida from Palm Beach County to Fowey Rocks; Biscayne Bay, Florida; Biscayne National Park, Florida; and the Florida Keys National Marine Sanctuary. Oculina Banks off the east coast of Florida from Ft. Pierce to Cape Canaveral.

#### 4.0 Assessment of Effects on Essential Fish Habitat

NOAA Fisheries' Office of Habitat Conservation has identified the following ONMS activities as those that may adversely affect Essential Fish Habitat (all activities are described in detail in Section 2 of this document):

General ONMS Field Operations across the Southeast and Gulf of Mexico Region:

- Vessel operations  
Potential impacts may include anchor damage and risk of vessel grounding, which may adversely affect bottom habitat. Pollutant discharge from vessels may adversely affect pelagic habitat in the water column.
- SCUBA or snorkel operations  
Potential impacts may include divers kicking bottom, which may adversely affect bottom habitat. Diving gear acting as vectors for invasive species spread may adversely affect both bottom habitat and pelagic habitat.
- Deployment of AUVs/ROVs/Gliders/Drifters  
Potential impacts may include unintentional contact with coral on bottom and grounding risk from either the survey equipment or the main vessel from which it is deployed.
- Deployment of Equipment on the Seafloor (e.g., buoys; instrumentation; permanent anchors)  
Potential impacts may include contact with coral or seagrass on bottom during installation of such equipment or in the event that such equipment breaks free from its moorings.
- Other Sampling Activities

Specific Projects in Gray's Reef National Marine Sanctuary:

- Gliders and ROVs are occasionally (once a year or less) deployed at GRNMS.

Specific Projects in Florida Keys National Marine Sanctuary:

- None

Specific Projects in Flower Garden Banks National Marine Sanctuary:

- ROVs are deployed annually during monitoring surveys at FGBNMS.

#### 5.0 Proposed Mitigation Measures

Great care is taken to avoid bottom contact with survey vehicles, as such contact has the potential to damage the vehicle and the habitat. ONMS staff and contractors follow a set of best management practices (BMP) to minimize any potential damage to bottom habitat or the water column to the greatest extent possible. Across all three sites in the region, managers limit activities in accordance with the following BMPs: instruments are deployed and lowered onto sandy substrate whenever possible; deployment of instruments occurs slowly and under constant supervision to minimize risk and mitigate impacts if a collision or

entanglement occurs; and while vehicles or personnel are deployed, spotters monitor the activities at all times. Lastly, ONMS typically does not allow night operations.

## 6.0 Conclusion

ONMS expects the adverse effects on EFH from the field operations described above to be minimal. This conclusion is based on the relatively small number of days at sea, divers and equipment deployments conducted annually, as well as the rigorous best management practices and training protocols in place for ONMS staff and contractors.

## 7.0 Revision, Tracking, and Review

If any changes are made to the ONMS Southeast and Gulf of Mexico field operations such that there may be different adverse effects on EFH, ONMS will notify NOAA Fisheries and the agencies will discuss whether the programmatic Conservation Recommendations should be revised. ONMS will provide NOAA Fisheries with an annual report of all field operations undertaken under the PEA. Every five years, NOAA Fisheries will review these programmatic EFH Conservation Recommendations and determine whether they should be updated to account for new information or new technology.



**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

**NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

**NATIONAL MARINE FISHERIES SERVICE  
SOUTHEAST REGIONAL OFFICE, HABITAT CONSERVATION DIVISION  
ESSENTIAL FISH HABITAT GENERAL CONCURRENCE  
FOR CERTAIN FIELD OPERATIONS IN THE SOUTHEAST AND GULF OF MEXICO NATIONAL  
MARINE SANCTUARIES**

**PURPOSE:** To efficiently conduct essential fish habitat (EFH) consultations required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for certain field operations supporting research and management activities at Gray's Reef National Marine Sanctuary, Florida Keys National Marine Sanctuary, and the Flower Garden Banks National Marine Sanctuary.

**BACKGROUND:** The Magnuson-Stevens Act requires federal agencies involved in permitting (or licensing), funding, or undertaking actions which may adversely impact EFH to consult with the National Marine Fisheries Service (NMFS) regarding their activities' impacts on EFH. For certain types of actions resulting in no more than minimal adverse effects to EFH individually and cumulatively, NMFS may issue a statement of General Concurrence in accordance with the requirements of 50 CFR 600.920(g).

NOAA's National Ocean Service Office of National Marine Sanctuaries (ONMS) has prepared a Programmatic Environmental Assessment (PEA) of Field Operations in the Southeast and Gulf of Mexico which describes research and management activities occurring at the three sanctuaries in the southeastern United States. General Concurrence has been requested for those activities.

**QUALIFYING CRITERIA:** In order for federal actions to qualify for a General Concurrence, NMFS must determine the following criteria of 50 CFR 600.920(g)(2) are met:

**The actions must be similar in nature and similar in their impact on EFH (50 CFR 600.920(g)(2)(i)(A)):** Section 2.0 (Description of Proposed Action and Alternatives) of the ONMS-prepared PEA describes the field operations supporting research and management activities at the three sanctuaries in the southeastern United States.

**The actions must not cause greater than minimal adverse effects on EFH when implemented individually (50 CFR 600.920(g)(2)(i)(B)):** Section 4.0 (Environmental Consequences) of the ONMS-prepared PEA describes the effects of the field operations supporting research and management activities at the three sanctuaries in the southeastern United States. Mitigative measures (e.g., best management practices, training protocols, NOAA Small Boat Program Guidelines) undertaken by ONMS staff and contractors are also described in Sections 2.0 (Description of Proposed Action and Alternatives), 4.0 (Environmental Consequences) and 5.0 (Consultations).

**The actions must not cause greater than minimal cumulative adverse effects on EFH (50 CFR 600.920(g)(2)(i)(C)):** Section 2.0 (Description of Proposed Action and Alternatives) and Section 4.0 (Environmental Consequences) of the ONMS-prepared PEA describes annual average frequency of field operations supporting research and management activities at the three sanctuaries in the southeastern United States. Section 4.0 (Environmental Consequences) also includes an analysis of the cumulative effects of the proposed activities; cumulative impacts are expected to be minimal.

**Actions qualifying for a General Concurrence must be tracked to ensure their cumulative effects are no more than minimal (50 CFR 600.920(g)(2)(ii)):** In Section 5.0 (Consultations) of the ONMS-prepared PEA, the ONMS indicates it will notify NMFS of any proposed changes to field operations which may result in adverse effects on EFH to determine if individual consultation is required or if this General Concurrence requires revision. Additionally, the ONMS will provide NMFS an annual report of all field operations undertaken under the PEA. See Notification procedure below.

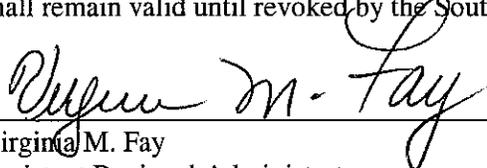
**GENERAL CONCURRENCE:** Based on the above, and NMFS review of the ONMS request and supporting environmental analysis, the NMFS has determined most research and management activities at the three sanctuaries in the southeastern United States are authorized for EFH General Concurrence to include: vessel operations; diving and snorkel operations; deployment of autonomous and remotely operated vehicles, drifters, and gliders; deployment of sampling equipment on the seafloor; and other sampling activities described in the PEA.

**Exclusions:** The NMFS has determined the following ONMS activities are not authorized for EFH General Concurrence and require individual EFH consultation:

- Activities requiring an individual permit or letter of permission, and an associated EFH consultation, from the U.S. Army Corps of Engineers. Consultation for these activities will be coordinated with the U.S. Army Corps of Engineers.
- Coral restoration activities proposing the harvest of healthy (undamaged) or non-nursery corals. EFH consultation for these activities will be addressed on a project-by-project basis in conjunction with the NMSA permit process, unless a separate programmatic consultation is sought.
- Seagrass restoration activities proposing the harvest and relocation of seagrass from non-nursery donor sites. EFH consultation for these activities will be addressed on a project-by-project basis in conjunction with the NMSA permit process, unless a separate programmatic consultation is sought.
- Non-emergency removal of grounded vessels and large debris requiring motorized equipment that may alter the surrounding environment or may further adversely impact the substrate upon which the vessel or marine debris was originally found during the removal process. Emergency removal of grounded vessel and large debris, causing further damage will be addressed on a case-by-case basis pursuant to 50 CFR 600.920.

**NOTIFICATION:** ONMS shall notify the Habitat Conservation Division, and provide annual reports of all field operations undertaken under the PEA, to [nmfs.ser.efhgeneralconcurrence@noaa.gov](mailto:nmfs.ser.efhgeneralconcurrence@noaa.gov).

**EFFECTIVE DATES:** NMFS will periodically review its findings of General Concurrence and may revise or revoke a General Concurrence if new information indicates the covered actions are having more than minimal adverse effects on EFH. This General Concurrence becomes effective on the date signed below and shall remain valid until revoked by the Southeast Regional Office Habitat Conservation Division.

  
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Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

September 28, 2016