

December 4, 2023

To: Administrator@safmc.net
Re: SAFMC Meeting, Dec 2023
Habitat and Ecosystem Report
Guidance for Resubmission of Amendment 10
NOAA-NMFS-2021-0126; Coral_Amendment10_Nov21_508
Public Comment #5

From:
John K. Reed
Research Professor (retired)
Harbor Branch Oceanographic Institute
5600 U.S. 1, North, Fort Pierce, Florida 34946
Email- johnkreed49@gmail.com

Comment: Marine Protected Areas; Oculina Habitat Area of Particular Concern

- Deep-water Oculina coral reefs are a unique coral reef ecosystem like no other on earth. The discovery of these reefs led to the formation of the Oculina Habitat Area of Particular Concern (OHAPC) in 1984 by the South Atlantic Fishery Management Council (SAFMC). The OHAPC was the first deep-water coral marine protected area in the world to protect a deep-water coral reef and prohibited bottom trawls, longlines, dredges, and anchors. The OHAPC was first established primarily to prevent the rock shrimp trawl fishery from damaging the coral habitat and to protect the associated grouper/snapper spawning aggregations. Unfortunately, the northern two thirds of the reef system remained open to these gear until 2000 and 2015 when the OHAPC boundaries were expanded to cover all the known Oculina ecosystem, and poaching has been an ongoing and unregulated problem.
- According to the Proposed Amendment 10 (NOAA-NMFS-2021-0126, Coral_Amendment10_Nov21_508; Summary):
“If approved by the Secretary of Commerce (Secretary), Amendment 10 to the Coral FMP (Coral Amendment 10) would establish a shrimp fishery access area (SFAA) along the eastern boundary of the northern extension of the Oculina Bank Habitat Area of Particular Concern (OHAPC), where trawling for rock shrimp is currently prohibited. Coral Amendment 10 would increase access to historic rock shrimp fishing grounds while maintaining protection of the Oculina deep-water coral ecosystems, provide increased socioeconomic benefits to fishers, and increase the likelihood of achieving optimum yield (OY) in the rock shrimp portion of the South Atlantic shrimp fishery.”

Response:

- 1) The entire OHAPC is the rock shrimp historic fishing grounds. Lost trawl nets on the reefs and within the OHAPC and reports by the Coast Guard attest to that [Coast Guard (at Coral and Shrimp AP meeting, Oct 2012)- Stated that 20 cases of illegal trawlers inside OHAPC; Coast Guard (Oct 2012)- Stated that prior to the VMS (2003) there were ‘all kinds of entries’ by trawlers into the OHAPC].
- 2) Since 2000, when the boundaries of the OHAPC were expanded from Sebastian northward to Cape Canaveral, shrimp bottom trawlers have been caught poaching within the boundaries of the original OHAPC (OECA) and in the vicinity of Chapman’s Reef and Jeff’s Reef, the only remaining live, high-relief coral reefs. Recent dives completed with ROVs within the

OHAPC have documented coral reefs wrapped with fishing lines, piles of bottom longlines, discarded trawl nets, and anchor lines (Reed et al., 2005).

- 3) Yes, opening up a closed marine protected area will increase the likelihood of catching shrimp; but will also decrease the likelihood of coral recruitment, decrease the recovery of the coral habitat, and subsequently decrease the recovery of fin fish populations.
- According to the Proposed Amendment 10 (NOAA-NMFS-2021-0126, Coral_Amendment10_Nov21_508; pg. 4):
“Information on the concentrated shrimp fishing effort in the area and its economic value to the rock shrimp portion of the shrimp fishery was discussed by the Council very late in the development of Coral Amendment 8. During these discussions, rock shrimp fishermen requested adjustment of the OHAPC boundary and provided coordinates that comprised the important fishing grounds in that area.”

Response:

- 1) As stated above, the economic effect was discussed by the Council while developing Amendment 8. Members of the Shrimp Advisory Panel and the Coral Advisory Panel were present when the Council Senior Scientist (R Pugliese) drew the boundaries for the Northern OHAPC which included a buffer to keep the trawls away from the reefs, and was approved by the SAFMC in 2015.
- According to the Proposed Amendment 10 (NOAA-NMFS-2021-0126, Coral_Amendment10_Nov21_508; pg. 4):
“The Council also developed Coral Amendment 10 in response to the Presidential Executive Order on Seafood Competitiveness and Economic Growth (E.O. 13921) (85 FR 28471; May 7, 2020). Coral Amendment 10 would address the recommendation to reduce burdens on domestic fishing and to increase production within sustainable fisheries contained in E.O. 13921. This would be accomplished by re-opening a closed area to commercial fishermen who have lost access to areas that have been traditionally fished.”

Response:

- 1) This EO is in direct opposition to Biden’s 30x30 Initiative. The purpose of the OHAPC is to protect the *Oculina* coral habitat which in turn will allow the ‘traditional’ hook and line fin fisheries to recover. Opening up a marine protected area for small destructive fishery while negatively impacting larger more important fin fisheries makes no sense. The Biden/Harris Administration has directed the executive branch, including NOAA, to work toward conserving at least 30% of U.S. ocean area by the year 2030. Scientists have stressed the importance of achieving this target with strong protections that can help mitigate the impacts of the current biodiversity crisis. We need more meaningful, durable protections like those that exist for the *Oculina* HAPC, not fewer. In fact, if vital protections here can be stripped away with no basis in science, then it is hard to see how any HAPC designation can be seen as providing the type of long-term protection the Biden/Harris Administration is seeking through its commitment to 30x30 and the America the Beautiful initiative. NOAA’s decision on this recommendation from the South Atlantic Fishery Management Council will have rippling consequences for how fishery conservation measures are evaluated and viewed in terms of their contributions to 30X30, the America the Beautiful plan, and the Conservation and Stewardship Atlas.
- If passed this Amendment will allow shrimp trawlers access to bottom trawl within the boundaries of a portion of the OHAPC. It will increase the degradation and proximal destruction of this unique-in-the world coral reef system. Adding in the already existing environmental

stressors the coral reefs here (and around the world) and we could see the unintended expansion of degradation and destruction growing within the marine protected area. In a non-linear world of ecosystem function one additional change/ variable can become the straw that breaks the camel's back. The purpose of marine protected areas like the OHAPC are to protect areas of essential habitat, fish populations and their spawning grounds. That is the whole purpose of establishing marine protected areas. It is not and should not allow special interests devalue MPAs of their purpose. If we destroy the habitat, we lose the fish; if we lose the fish, we lose the fisheries.

- The nation's fisheries law, the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act or MSA), has played a critical role in curbing overfishing and rebuilding dozens of once-depleted fish stocks. The MSA recognizes the importance of protecting marine habitat from the impacts of both fishing gear and nonfishing activity, such as sand mining, dredging, and energy exploration and development. To this end, it requires that councils designate areas within their region as “essential fish habitat” (EFH), i.e., the habitat that is necessary for healthy fish populations (NRDC Report- A Safety Net for Ocean Fisheries: The Case for Stronger Protection of Essential Fish Habitat under the Magnuson-Stevens Act, April 2021, R:21-03-A).
- Dr. Sylvia Earle, a former chief scientist for NOAA , the head of Mission Blue and Explorer-in-Residence for National Geographic, has said of the Oculina Coral Reef issue (Pers. comm.): “The science is clear. The economics are clear. The ethical and moral mandates are clear. What remains of the intact East Florida Oculina reef system and the associated damaged areas, if left alone -- that is, protected from fishing, especially trawling, will yield enduring benefits now and forever. Giving a few shrimpers a green light to trawl these ancient systems into oblivion will destroy what could be an on-going source of life and livelihoods in exchange for a few bucks for a few people and then it will be over.”
- Opening a portion of the HAPC to trawling is a bad precedent. What would prevent the trawlers from requesting other portions of the OHAPC or the Deepwater CHAPC protected areas to be opened? Now is the time to protect these reefs, to allow the corals to recover, to allow the spawning aggregations of important grouper and snapper to recover. Now is not the time to diminish an area that is already protected.
- In addition to threatening delicate ecosystems in the Oculina HAPC, the South Atlantic Fishery Management Council's recommendation to open the area, if put into effect, calls into question the efficacy and durability of habitat protections under the MSA. If NOAA-designated HAPCs cannot be relied on to protect the ecologically important and/or vulnerable habitats for which they were created, the designation loses meaning. To be clear, the Council is not recommending the Oculina Bank HAPC designation be removed, nor are they alleging that the conditions that necessitated the HAPC's protection have abated. Instead—against the advice of scientists and their own Coral Advisory Panel—they seek to remove protections to benefit a small number of individuals.
- The purpose of the OHAPC is to protect areas of essential habitat, fish populations and their spawning grounds. It is not and should not allow special interests devalue HAPCs of their purpose. Opening these areas to the same fishery that destroyed the coral in the first place completely undermines the purpose of the protected areas. This action represents a giant step backwards in stewardship of our natural resources and sets a dangerous precedent for encroachment into other protected areas.

- I am requesting that NOAA Fisheries deny Amendment 10 to open a SFAA which allows trawling by shrimp fishers within the current boundaries of the OHAPC. I ask you to accept Alternative 1 (No Action) of the proposed Amendment 10: “No person may use a bottom longline, bottom trawl, dredge, pot, or trap in the Oculina Bank Habitat Area of Particular Concern. If aboard a fishing vessel, no person may anchor, use an anchor and chain, or use a grapple and chain.” Currently there are no shrimp fishery access areas within the Oculina Bank Habitat Area of Particular Concern, and now is not the time to reverse course, nor to redraw the boundaries of the protected area.

References:

NOAA National Marine Fisheries Service (NMFS) and the SAFMC have drafted an Environmental Assessment (EA) of potential impacts, cumulative effects, economic impacts, etc. for this proposal [https://safmc.net/download/BB%20Council%20Sept%202021/Habitat%20&%20Ecosystem/HabEco_A1b_Coral_Amendment10_Draft_August%202021%202021.pdf].