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The background of the slide is a photograph taken from the perspective of someone on a boat. Several fishing rods are visible, extending from the boat into the water. The water is dark blue, and the sky is filled with soft, white clouds. In the distance, a city skyline is visible on the horizon. The overall scene suggests a peaceful day of fishing.

THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
**Habitat and Ecosystem  
Advisory Panel  
April 2024**

# EFH 5 year review

- Buttonwood Clarification Subcommittee and Tidal Freshwater Boundary Subcommittee recommendations were approved by the council in December and integrated into the EFH User Guide.
- Limited FEP II Update (Prey and References) Subcommittee Report - Wilson Laney NC State University
  - The original charge was to update FEP 2 (which developed many policies and consisted of 403 pages of information)
  - The Food Web policy was developed by FEP 2 and has not been updated since 2016
  - The Panel deemed this a more appropriate place to integrate the requested information
  - The workgroup is working on incorporating diet information, prey abundance/importance, and updating the reference section





## EFH Policy Statement on energy

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- Work on the policy statement is ongoing
- The HEAP approved the draft wind policy as it is, however after the long-term impacts on windfarm discussion additional edits were recommended
- The plan is to complete an updated policy by the October 2024 meeting
- The additional revisions will be focused on decommissioning and long-term impacts



## Long term Impacts of wind farms and windfarm removal

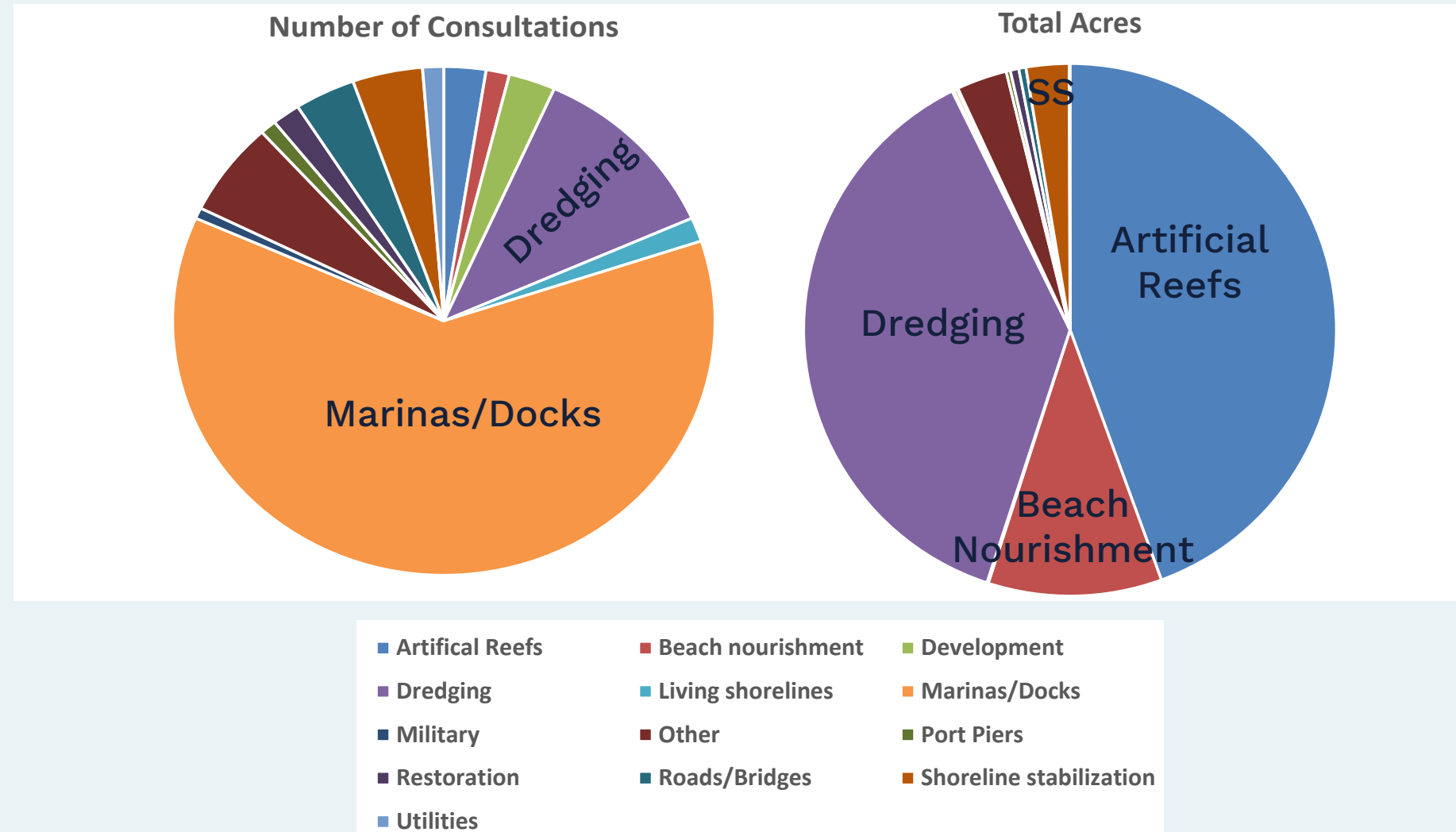
- Reviewed Fishery monitoring plans, nature inclusive designs, cable routes, disaster cleanup, long-term responsibilities, and decommissioning plans
- The panel moved to make the following additions to the Energy policy
  - Integrate references of the BOEM/BSEE presentation
  - Add language to the Mitigation BSIA section
  - Add decommissioning language into the construction section
  - Emphasize considering the inclusion of low-risk or minimally invasive research projects into the fishery monitoring plan
  - Emphasize that the data accumulated via monitoring and research should be publicly available.

# NOAA fisheries HCD EFH consultation

## Annual summary



- Reviewed Fish passage, coral conservation, use of Policy statements, and Major EFH conservation efforts for the Southeast
- The Kitty Hawk Cable route is concerning
- Docks and Marina Consultations are the majority of reviews
- Shoreline stabilization and living shorelines are increasing in number







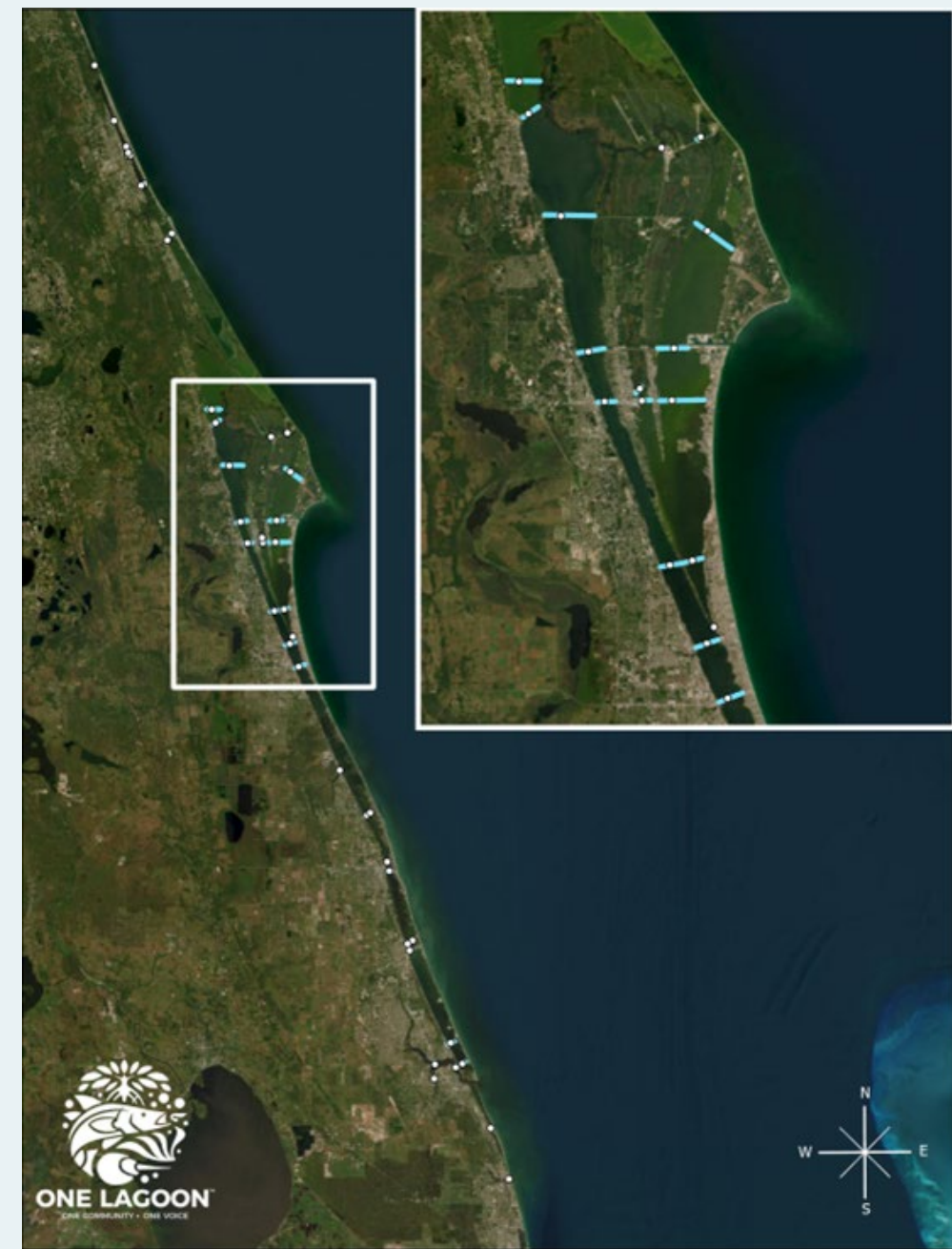
# **Annual Activities Report**

**The Advisory Panel integrated their comments into the Annual Report Draft (Attachment 2).**



# Discuss revisions to the “Alterations to Riverine, Estuarine and Nearshore Flows” policy to address threats to the Indian River Lagoon

- Reviewed the History of the Indian River Lagoon (IRL), Concerns that impact fisheries, The Indian River Lagoon National Estuary Program, Lagoon restoration progress, and next steps forward
- The panel recommends maintaining communication with the IRL Council, as well as endorsing and supporting recommendations for appropriate water flows.
- The panel also recommended that, considering the ongoing Indian River Lagoon problems and the upcoming tide gates issues, the council add revising the Flow policy to the work plan



45 bridge - causeway or bridge corridors  
Most of the earthen causeways in Brevard county



# Indian River Lagoon Cont.



Photo: Duane De Freese, 2016



2016 & 2018 IRL and Banana River  
*Aureoumbra* Brown Tide Bloom  
(Photo: FL Today, C. Rubadoux,)



Photo: Dylan Hansen Indian River, 2020  
cyanobacteria bloom



Photo: Bob Day Banana River, 2020



2018 Cocoa Beach, FL  
Photo: Robert Kane, - *Fibrocapsa japonica*;





# Sackett vs EPA

- Reviewed the Clean Water Act, the definition of “waters of the US”, and the Sackett vs EPA lawsuit
- EPA defined “the waters of the United States” to include “[a]ll... waters” that “could affect interstate or foreign commerce,” as well as “[w]etlands adjacent” to those waters. 40 C.F.R. §§230.3(s)(3), (7) (2008)
- The new standard: “In sum, we hold that the Clean Water Act (CWA) extends to only those ‘wetlands with a continuous surface connection to bodies that are ‘waters of the United States’ in their own right,’ so that they are ‘indistinguishable’ from those waters.”
- The Panel recommends:
  - Review and evaluate the impact of state/local efforts to conserve wetlands that are now without protection under the CWA due to the change in the definition of Waters of the United States (WOTUS).
  - Inform EFH guidance for consultations triggered by activities in wetlands that are no longer protected by the Clean Water Act (CWA), to try to maintain water quality or other standards that existed prior to the change in the WOTUS definition



# Coral 10 resubmission

- Reviewed the current Coral 10 Resubmission plan
- The HEAP voiced concerns over the NOAA visual survey, lack of known habitat data, lack of known growth data
- HEAP does not feel comfortable with opening the SFAA without more information and research



# Citizen Science Program Update

- Smile project
- Fishstory
- SAFMC Release
- Scifish
- Citizen science Advisory Panels



# Habitat Blueprint



Reviewed current policies and last date revised



Reviewed the EFH User Guide usage



Review plans for the next EFH 5 year Review



Reviewed the work plan. Added short- and long-term goals to the workplan





# Other business

- The next meeting is scheduled for October 28-30, 2024. This will be finalized after the June council meeting.
- The Advisory Panel was reminded of the FISHstory Scanning Event to gather historic fishing photos for the FISHstory project that is being held April 24th.
- Kathleen requested help with a SEAMAP Habitat Identification Working Group. The group is looking for a Habitat ID specialist..
  - Charlie Deaton and Claire Pelletier from North Carolina have volunteered.





**Thank you**