

Richard W. Spinrad, Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue NW, Room 5128
Washington, DC 20230

Janet Coit, Assistant Administrator
National Marine Fisheries Service
1315 East-West Highway, 14th Floor
Silver Spring, MD 20910

June 28, 2022

Re: South Atlantic Fishery Management Council's Coral Amendment 10 Impacting Oculina Coral Reefs
NOAA-NMFS-2021-0126

Dear Administrator Spinrad and Assistant Administrator Coit,

The 48 undersigned organizations—representing millions of concerned citizens across the country—oppose the South Atlantic Fishery Management Council's proposed Amendment 10 to the Coral, Coral Reefs, and Hard Bottom Fishery Management Plan (hereinafter "Coral Amendment 10") that would open part of the Oculina Bank Habitat Area of Particular Concern (OHAPC) to bottom trawling. Removing decades-old protections for this deep-water coral ecosystem will harm the last remaining and recovering parts of this unique marine environment and will undermine the durability of habitat protections and designated protected areas under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Coral Amendment 10 is in direct conflict with the Biden/Harris Administration's vision for America the Beautiful and its commitment to conserving at least 30 percent of our Nation's land and waters by 2030.¹ We urge NOAA to honor its decades-long commitment to protecting this unique ecosystem.

The Oculina Bank off the east coast of central Florida is the *only* known place in the world where deep-sea *Oculina varicosa* form reef structures. This one-of-a-kind ecosystem supports marine life throughout the region well beyond the reef itself. A single 12-inch coral can host up to 2,000 animals, including small fish, crabs, shrimp, and mollusks—many of which are food for higher trophic levels.² Oculina Bank is also a spawning site for several species of groupers, important fish prized by recreational and commercial fishermen in the South Atlantic.^{3,4} These species come to the reef from as far away as North Carolina and are increasingly threatened by overfishing, climate change, and habitat destruction.

¹ Exec. Order No. 14008, 86 Fed. Reg. 7619 (Feb. 1, 2021)

² Reed, J.K., R.H. Gore, L.E. Scotto, and K.A. Wilson. 1982. Community composition, structure, aerial and trophic relationships of decapods associated with shallow- and deep-water *Oculina varicosa* coral reefs. *Bulletin of Marine Science* 32: 761-786.

³ Gilmore, G.R. and Jones, R.S. 1992. Color Variation and Associated Behavior in the Epinepheline Groupers, *Mycteroperca Microlepis* (Goode and Bean) and *M. Phenax* Jordan and Swain. *Bulletin of Marine Science* 51: 83–103.

⁴ Koenig, C.C., A.N. Shepard, J.K. Reed, F. Coleman, S. Brooke, J. Brusher, and K. Scanlon. 2005. Habitat and fish populations in the deep-sea Oculina coral ecosystem of the western Atlantic.

According to Professor Grant Gilmore who has directly observed such spawning activity on research dives at the Oculina Banks, three species that are listed on NOAA Fisheries' Status of Stocks report of December 31, 2021 as overfished and experiencing overfishing spawn in the Oculina Banks -- snowy grouper, gag (grouper) and red porgy.⁵ Further damage to the Oculina Bank spawning area will impede population recovery, normally one of the most important objectives of most Fishery Management Plans but not for Amendment 10. In short, the *Oculina* corals create a unique habitat upon which much marine life in the area depends.

As important and rare as this ecosystem is, it was almost destroyed entirely. In the 1970s and early 1980s, bottom trawling decimated the reef. Roughly 90% of this habitat was reduced to rubble by bottom-trawling fishermen—shrimpers, scallopers, and others.⁶ Finally, NOAA and the South Atlantic Fishery Management Council designated the reef and the surrounding area a Habitat Area of Particular Concern (“HAPC”) in 1984.⁷ Prohibitions on trawling, fish traps, longlines and anchoring were implemented to protect the last vestiges of the reef.⁸ With these protections in place, the coral began to recover.

The Council-approved Coral Amendment 10 would permit bottom trawling on a “buffer strip” inside the HAPC, directly adjacent to the fragile coral ecosystem.⁹ In addition to damaging any potential coral recovery in the 22 square-mile buffer strip, trawling in the buffer will cause harm to the sensitive corals adjacent to the proposed Shrimp Fishery Access Area:

- Sediment plumes from nearby trawling will damage the *Oculina* coral, disrupting their ability to filter feed and preventing juvenile recruits from settling. According to evidence presented by the South Atlantic Council's Coral Advisory Panel and several scientists who have studied the *Oculina*, underwater currents in this area can be very strong and flow westerly, that is, from the buffer strip onto the remaining living corals.¹⁰
- Wayward trawls will damage corals outside the intended trawling area. Heavy shrimp trawling nets are difficult to always position correctly at depths of 200–300 feet, especially with the strong and variable cross currents typical of this area. Inaccuracy in tracking the nets' swath compounds these

⁵ NOAA Fisheries, Status of Stocks as of December 31, 2021. Accessed at <https://media.fisheries.noaa.gov/2022-01/q4-2021-stock-status-map.png> and personal communication with Dr. Gilmore 3/11/22.

⁶ Reed, J.K., Koenig, C.C., and Shepard, A.N. 2007. Impacts of bottom trawling on a deep-water *Oculina* coral ecosystem off Florida. *Bulletin of Marine Science*, 81: 481–496.

⁷ Under the MSA and implementing regulations, fishery management councils are encouraged to designate Habitat Areas of Particular Concern (HAPC) in areas that stand out for due to one or more of the following factors: their unique contribution to ecological function, their sensitivity to human-caused degradation, their exposure to development and other stressors, and their rarity as a habitat. 50 C.F.R. § 600.815(a)(8).

⁸ George, R. Y., T. A. Okey, J. K. Reed, and R. P. Stone. 2007. Ecosystem-based fisheries management of seamount and deep-sea coral reefs in U. S. waters: conceptual models for proactive decisions. Pages 9–30 in R. Y. George and S. D. Cairns, eds. *Conservation and adaptive management of seamounts and deep-sea coral ecosystems*. Rosenstiel School of Marine and Atmospheric Science, University of Miami. Miami. p. 324.

⁹ South Atlantic Fishery Management Council (August 2021), Draft Amendment 10 for the fishery management plan for coral, coral reefs, and hard bottom of the South Atlantic region; Establish a shrimp fishery access area along the northern border extension of the Oculina Bank HAPC: Environmental Assessment, p. 55.

¹⁰ Amendment 10 to the Coral, Coral Reefs, and Live/Hardbottom Habitats FMP of the South Atlantic Region Scoping Document, February 2021.

issues.¹¹ National Marine Fisheries Service data conservatively estimates there can be 230 to 510 horizontal meters between the fishing trawl on the bottom and the trawling boat; the proposed fishing area is only 150 to 600 meters wide.¹² Hence, the heavy gear is likely to, at least occasionally, crush and destroy healthy coral outside the intended trawl zone.

For these reasons, the existing buffer strip is doing what it was designed originally to do: keep bottom gear and sediment away from sensitive corals. There simply is no replacement for the workings of a buffer strip in this case.

The risk posed by this proposal is unequivocal, which is why the South Atlantic Council's Coral Advisory Panel voted unanimously against it.¹³ In addition to *acute* damage from trawls and *chronic* damage from sediment plumes, the Coral Advisory Panel pointed out that recovery of the remaining *Oculina* Bank is likely to be slow because populations have been so reduced that larvae production is low. The Advisory Panel also noted that when corals do recover they often come back at the base of the coral pinnacles which tend to be the very marginal areas that are likely to be in the existing buffer strip that will get trawled again.¹⁴ The Council approved the amendment anyway, favoring *de minimis* economic gain for a few over the health of the ecosystem. The economic analysis included in Coral Amendment 10's Environmental Assessment and Regulatory Impact Review concluded that "economic effects cannot be quantified." The analysis also explicitly found that there would be no change to consumer prices or consumer surplus due to Coral Amendment 10, so any benefit (if one exists) of risking the *Oculina* coral would flow only to the small group of fishermen that would use this narrow area.¹⁵

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.¹⁶ 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*.

We ask that NOAA's decision be based on science with the goal of upholding the long-term conservation of this habitat and unique coral ecosystem.

¹¹ Kotwicki, S., Martin, M.H. and Laman, E.A. 2011. Improving area swept estimates from bottom trawl surveys, *Fisheries research*, 110: pp. 198–206.

¹² Amendment 10 to the Coral, Coral Reefs, and Live/Hardbottom Habitats FMP of the South Atlantic Region Scoping Document, February 2021, pages 10, 20-21.

¹³ Coral and Deepwater Shrimp Advisory Panels Meeting Minutes, November 10, 2020, p. 32.

¹⁴ Amendment 10 to the Coral, Coral Reefs, and Live Hardbottom Habitats FMP of the South Atlantic Region, November 2021, page 55

¹⁵ Amendment 10 to the Coral, Coral Reefs, and Live Hardbottom Habitats FMP of the South Atlantic Region, November 2021, page 57.

¹⁶ Sewell, B. and M. Masterton. 2021. A safety net for ocean fisheries: the case for stronger protection of essential fish habitat under the Magnuson–Stevens Act. National Resources Defense Council.

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 2030.¹⁷ 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.

We have only one chance to protect this one-of-a-kind ecosystem. NOAA got it right in protecting the Oculina HAPC from harmful trawling practices decades ago. NOAA should make the right decision and uphold the progress made over the last 40 years to protect Oculina Banks. The undersigned organizations—many of whom advocated for some of the existing HAPCs, sanctuaries, and monuments—are watching NOAA's action closely for the precedent that will be set by Coral Amendment 10. We urge you in the strongest terms to maintain all current protections for the Oculina Bank Habitat Area of Particular Concern.

Sincerely,

Florida & Local Organizations

Conservation Alliance of St. Lucie County
Fort Pierce, FL
<http://www.conservationallianceslc.org>

Ocean Research Conservation Association
Vero Beach, FL
www.teamorca.org

Central Florida Zoo & Botanical Gardens
Sanford, FL
www.CentralFloridaZoo.org

Environment Florida
St. Petersburg, FL
www.environmentflorida.org

Florida Conservation Voters
Tallahassee, FL
www.fvoters.org

National Organizations

Marine Conservation Institute
www.marine-conservation.org

National Ocean Protection Coalition
www.oceanprotectioncoalition.org

Blue Frontier
www.bluefrontier.org

Azul
www.azul.org

Center for Sportfishing Policy
www.sportfishingpolicy.com

Center to Biological Diversity
www.biologicaldiversity.org

¹⁷ Exec. Order No. 14008, 86 Fed. Reg. 7619 (Feb. 1, 2021).

Florida Oceanographic Society
Stuart, FL
<https://www.floridaocean.org>

Florida Wildlife Federation
Tallahassee, FL
www.floridawildlifefederation.org

Friends of the Everglades
Stuart, FL
<https://www.everglades.org>

Kansas City Zoo
www.kansascityzoo.org

League of Women Voters of St. Lucie County
www.lwvslc.org

National Aquarium
www.aqua.org

Marine Resources Council
Palm Bay, FL
<https://savetheirl.org>

Palm Beach Zoo and Conservation Society
West Palm Beach, FL
<https://www.palmbeachzoo.org/>

Rivers Coalition
Stuart, FL
<https://riverscoalition.org>

Mystic Aquarium
Mystic, CT
www.mysticaquarium.org

Salt Strong
www.saltstrong.com

Shedd Aquarium
www.sheddaquarium.org

Coalition on the Environment & Jewish Life
www.coejl.org

Creation Justice Ministries
www.creationjustice.org

Defenders of Wildlife
www.defenders.org

EarthEcho International
www.earthecho.org

EarthJustice
www.earthjustice.org

Environment America
www.environmentamerica.org

Greenpeace, USA
www.greenpeace.org/usa

Healthy Ocean Coalition
www.healthyoceancoalition.org

Hispanic Access Foundation
www.hispanicaccess.org

Inland Ocean Coalition
www.inlandoceancoalition.org

Interfaith Power and Light
www.interfaithpowerandlight.org

League of Conservation Voters
www.lcv.org

Mission Blue
www.mission-blue.org

National Audubon Society
www.audubon.org

National Parks Conservation Association
www.npca.org

South Carolina Coastal Conservation League
Charleston, SC
www.coastalconservationalleague.org

South Carolina Wildlife Federation
www.scwf.org

National Wildlife Federation
www.nwf.org

Natural Resources Defense Council
www.nrdc.org

Oceana
www.oceana.org

The Pew Charitable Trusts
www.pewtrusts.org

Sierra Club
www.sierraclub.org

Surfrider Foundation
www.surfrider.org

The Ocean Project
www.theoceanproject.org

Wild Oceans
www.wildoceans.org