



## SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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May 20, 2010

Mr. Joseph Christopher  
Regional Supervisor  
Minerals Management Service  
Gulf of Mexico OCS Region  
1201 Elmwood Park Boulevard  
New Orleans, LA 70123-2394

Attention: Mr. Gary Goeke

Dear Mr. Christopher:

The South Atlantic Fishery Management Council (Council) offers the following comments on Florida Atlantic University (FAU)'s plans to study sites within the Atlantic Ocean off southeast Florida as part of a hydrokinetic feasibility study. We understand that this work may include future installation of a hydrokinetic testing facility and cabling to shore. The Council is aware that FAU recently requested for verification under the US Army Corps of Engineers nationwide permit 5 (NWP-5) to deploy four Acoustic Doppler Current Profilers (ADCP) in this area. Three of the four proposed ADCPs would be deployed within the Council's proposed Stetson-Miami Terrace Coral Habitat Area of Particular Concern (CHAPC). Moreover, one of the four proposed ADCPs would be deployed within a proposed Allowable Golden Crab Fishing Area.

The Council has worked diligently since 2004 to designate areas in the South Atlantic as CHAPCs for deepwater corals. Five areas have been proposed for designation based on recent scientific evidence of the distribution of deepwater coral species and the importance of these systems as habitat for managed species and overall biodiversity. A proposed rule for this management action was published in the *Federal Register* on March 4, 2010. The public comment period for the proposed rule recently ended and final action is anticipated in the next couple of months. Overall, the Council's management actions to conserve deepwater corals have met with much public support. In

addition, the Council worked cooperatively with industry to ensure that impacts to traditional fisheries from this designation (which entails a prohibition on bottom-tending fishing gear) would be minimal. Hence, the Council proposed creation of several areas where fishing for golden crab would continue to be allowed. In addition to deepwater coral -- managed under the Coral, Coral Reefs and Live/Hardbottom Fishery Management Plan (Coral FMP) -- the Council manages the fishery for golden crab, *Chaceon fenneri*. Other managed species for whom deepwater coral ecosystems and adjacent habitats are designated as Essential Fish Habitat (EFH) are wreckfish (*Polyprion americanus*), and tilefishes (*Lopholatilus chamaeleonticeps* and *Caulolatilus microps*).

As previously mentioned, three of the proposed ADCP deployments would occur within the proposed Stetson-Miami Terrace CHAPC and, the easternmost unit, would be placed within a Golden Crab Allowable Fishing Area. In addition, one of the units would be deployed in close proximity to an area know to be important spawning habitat for wreckfish. If properly sited away from deepwater corals and associated ecosystems, the Council does not expect that deployment of ADCP units would result in long-term negative impacts to bottom habitats in the study area. However the Council is concerned about future project development. Presumably, ADCP deployment constitutes an initial step leading to further hydrokinetic installations in the area. Not only is there potential for impact to managed species and their habitat, interactions with fishing gear would also be of concern: golden crabs are harvested using a series of traps strung along a five mile line deployed south to north with the prevailing current. We further note that cabling to shore would require crossing the Florida reef tract, which supports shallow water coral, coral reef, and live/hardbottom habitats. We emphasize the need to avoid adverse impacts to shallow and deepwater habitats that the Council has designated EFH.

Council staff works closely with the National Marine Fisheries Service (NMFS). We support the EFH Conservation Recommendations submitted by NMFS by letter dated May 17, 2010 to the Army Corps of Engineers that (1) any authorization for ADCP deployment shall prohibit impacts to coral and live/hardbottom habitats and (2) Best Management Practices (BMPs) shall be implemented to avoid impacts to coral and live/hardbottom from ADCP deployment. The Council further urges the Minerals Management Service to work in concert with NMFS in the evaluation of this information to ensure that adverse impacts to deepwater corals and associated ecosystems are avoided.

Thank you for the opportunity to provide comments. Please direct questions or comments to Myra Brouwer ([Myra.Brouwer@safmc.net](mailto:Myra.Brouwer@safmc.net)) at the SAFMC office, (843) 571-4366.

Sincerely,



Duane Harris  
SAFMC Chair

Cc: (via electronic mail)  
Council members and staff  
Habitat & Coral APs  
Pace Wilber  
Jocelyn Karazsia