

**Coral Amendment 9  
Public Hearing Comment Summary**

**Brownsville, Texas  
May 7, 2018**

Council/Staff

Greg Stunz  
Morgan Kilgour  
Jessica Matos

2 members of the public attended.  
1 member of the public spoke.

John Young – Active in Sierra Club and other NGOs  
He is concerned with sustainable Gulf shrimping, and doesn't want the new liquid nitrogen gas development to disrupt it. He was worried about all the threats to the sea such as oil and gas exploration, dead zone, plastics, and dumping of fracking fuel into the Gulf. He called for a last ditch effort to protect whatever can be protected wherever it can be protected. He was supportive of all the preferred alternatives.

**Palacios, Texas  
May 8, 2018**

Council/Staff

Doug Boyd  
Morgan Kilgour  
Jessica Matos

0 members of the public attended.

**League City, Texas  
May 9, 2018**

Council/Staff

Doug Boyd  
Morgan Kilgour  
Jessica Matos

17 members of the public attended.  
6 members of the public spoke.

Buddy Guindon – Commercial Fisherman, Charter Owner/Operator, Seafood Dealer  
There are vessels that have shrimp permits, but use bandit rigs on Harte Bank, so there is the possibility that the area in Harte bank is an area fished with bandit rigs.

Scott Hickman – Commercial Fisherman, Charter Owner/Operator

We need to be less dependent on imported seafood. He wants to protect corals and would like to see evidence that fishing gear is affecting the corals. He does not want to prevent areas from being accessed by fishermen when these areas are pristine. He questions how this will affect the energy industry.

Benny Gallaway – LGL Ecological Associates

Historically there were significant landings of year 2 fish in the shrimp fishery. This has changed dramatically in recent years. The TEDs exclude large fish as effectively as turtles so there are not as many large fish in the catches.

Unknown – Commercial Fisherman

If there is little evidence that there are fishing effects, why prohibit fishing? If the evidence is that there is damage from certain gears, then those specific gears should be prohibited.

Sarah Soflias – Member of the public

There are several regulatory authorities that prevent drilling in sensitive areas. Notice to Lessees provide guidance for how the agency interprets regulations. Does not know of any instance of when an operator would willingly drill in an area that has been designated as a sensitive area.

Shane Cantrell – Charter Owner/Operator, CFA Executive Director

He wonders if the Council is trying to protect these areas from future fisheries development. Unintended consequences need to be thoroughly investigated including effects to fishermen that don't have a VMS or are outside of the reef fish complex.

**Webinar  
May 22, 2018**

Council/Staff

Morgan Kilgour

Bernadine Roy

12 members of the public attended.

2 members of the public spoke.

Eric Brazier – Deputy Director of Gulf of Mexico Reef Fish Shareholders' Alliance

Supports coral protections, but continues to raise concerns with the lack of quantifiable evidence of commercial fishing impacts in these areas. Does not see hard evidence that would warrant such expansive closures.

Jason DeLaCruz – Commercial Fisherman

There is no evidence that the commercial sector is causing any problems to the corals. Echoes Eric's statement.

**Key West, FL  
June 4, 2018**

Council/Staff

John Sanchez  
Morgan Kilgour  
Camilla Shireman

3 members of the public attended.  
2 members of the public spoke.

Alison Johnson – Oceana

Concerned that the HAPCs are a loophole if there is an area of coral that is deemed non-essential fish habitat. Feels that the deep-sea coral provision in the Magnuson-Stevens Act is more appropriate for protecting corals. Would like the Council to add a mechanism to add additional areas and remove areas without corals in the future. Would like the Council to follow the NOAA strategic plan and freeze footprint of fishing and prohibit bottom tending gear in areas until the area has been surveyed and found to not contain corals.

Eric Brazer – Deputy Director of Gulf of Mexico Reef Fish Shareholders’ Alliance

He is supportive of evidence based management and understands the value of corals in the ecosystem, but does not see the scientific evidence necessary to support the alternatives. In the case of Pulley Ridge, there has been zero confirmed instances of commercial fishing damaging the corals. HAPCs with regulations don’t have the scientific merit to warrant the support in the areas. However, he could support establishing HAPCs with no regulations.

**Grand Isle, Louisiana  
June 4, 2018**

Council/Staff

Patrick Banks  
John Froeschke  
Karen Hoak

4 members of the public attended.  
4 members of the public spoke.

Ashford Rosenberg – Gulf of Mexico Reef Fish Shareholders’ Alliance

Supports status quo, stating that Corals are vital to the Gulf ecosystem and need protection. Generally, however, since fishers already fish using coral reef avoidance techniques, placing regulations on these areas at this time is unnecessary. If data starts to show that bottom long-lining gear is impacting these areas, that would be the time to implement these measures.

Steve Tomeny – Charter for-hire

Supports no action for each action in the document. In his business, they fish in shallower waters (about 100 fathoms or less) and they certainly try to avoid any coral since that costs them

money in lost gear. Their practice is to anchor in sand then drift over the hard bottom areas to fish, so he did not support implementing regulations that would prohibit anchoring.

Kendall Dix – Gulf Restoration Network (GRN)

Supports restrictions at all 23 sites and a conservation based approach to habitat management. States that there is evidence of habitat damage from snapper grouper fishery in the northern Gulf. He stated that GRN is finding there is a good deal of support in the public arena for protection of coral.

Robert Tabone –

Supports conservation based alternatives in all 23 proposed sites as well, stating the importance of protecting the ecosystem now from the potential for damage in the future. Taking these actions now would reflect wise management and foresight for protection of coral, as well as for businesses that depend on a healthy fishery for their livelihood.

**Madeira Beach, Florida  
June 5, 2018**

Council/Staff

Tom Frazer  
Morgan Kilgour  
Matt Freeman

13 members of the public attended.

8 members of the public spoke.

Jason DeLaCruz – Commercial Fisherman

The data that has been collected has shown that these areas are still pristine. There hasn't been a clear statement of what corals need protection from. The biggest changes for corals will be from temperature changes, so nothing has been done to protect the corals. Nothing has been done to show that there is damage from fishing gears. There is value in creating an HAPC without fishing regulations. The only goal of establishing HAPCs is to fine someone if fishing gear is prohibited. He likes the idea of exempting bottom longline down in Pulley Ridge. Damage will be done to these corals at a higher level. There is an administration that is backing away from existing environmental protections, and that is what will affect the corals. The rules that are under consideration will fine small businesses and will be problematic.

Bob-Spaeth – Southern Offshore Fishing Association

Concurs with Jason DeLaCruz. Did not hear much in the presentation about the economic problems that this might put on the industry. There is no compelling reason as there is no harm to corals from fishing gear. Allow bottom longlines in the west wall because fishing has traditionally occurred there for many years. The public doesn't have an understanding of all the regulations that affect the fishery, such as turtle regulations. There are few pieces of bottom that can be fished. There are cumulative effects that most of the public don't realize.

Robin Kennedy – Sierra Club

Supports the approval of Coral Amendment 9. Deep-sea corals are fragile. Sponges and corals have medical benefits. It is important to protect these habitats so that this research can continue. These corals face threats from changing oceanic conditions, oil and gas development, and bottom-contact fishing gear. Current policies protect few of these coral areas. Enact the preferred alternatives to protect corals from fishing gear impacts.

Tom Wheatley – Pew Charitable Trusts

The corals have value and there is a need to protect them. Congress has empowered the Councils with the duty to manage and conserve our deep-sea coral and sponge resources which are vital to healthy oceans and productive fisheries. Deep-sea communities have medical benefits, and they should be protected. The Council consulted the most knowledgeable coral experts who identified priority areas that are most susceptible to damage. In Coral 9, HAPCs should include restrictions on fishing gear. He supports the following actions and alternatives:

Action 1- Preferred alternative 4

Action 2- Preferred alternative 5, preferred option b

Action 5- Preferred alternatives 2 and 3, but recommends option b so that the Council is consistent.

Action 6- He supports adding fishing regulations to the HAPCs in the preferred alternatives.

This document represents a significant compromise on protecting corals. The Council's approach to HAPCs leaves the least impact on its fisheries while protecting coral habitat. Pew has received more than 16,000 public comments and will provide them to the Council.

Andrew Muss – Background in reef fish biology

He supports the HAPC concept. From a conservation biology perspective, the Council has a great forum for optimal solutions for resource conflict. Usually, issues are managed when they are in a crisis. This is an opportunity to pre-emptively designate these areas for protection and strengthen the regulatory framework. The biggest bang for your buck is habitat protection.

Whenever an area is protected, it has cascading positive effects. Strengthening an ecosystem has benefits to everyone. MPAs act as overflows of productivity and have worked. He supports protecting these areas as much as possible. These areas are slow growing and have a chance of surviving in the future if they're managed properly.

Kenneth Daniels – Bottom longline fisherman

He's been to a few of these areas. These areas aren't torn up, but he wants the fishery to go on for a long time. There's a reason for not finding these areas with fishing gear because it's too sticky to fish it. He agrees with designating these areas as HAPCs, but these areas need protection from things that are actually causing harm, and that's not fishing gear.

Maria Bollinger – Member of the public; her master's thesis was on Southern Bank.

She has seen the biological diversity in the South Texas Banks, and has seen that it is different than the surrounding areas. Designating the areas as HAPCs identifies them as special areas. She recommends adding fishing regulations to Southern Bank. Even though the Council may not have the authority to prevent other harms to corals, giving these areas a designation is helpful for other legislatures in identifying these areas in the future. Fishing activity should be reduced in these areas. Most of the Gulf is mud bottom, which doesn't harm fishing gear. These are

oases and refuges for fish species and corals. The proposed HAPCs are all around the Gulf so that fish can move between them. She agrees with most of the preferred alternative, but option b should be selected for the preferred alternatives in Action 5.

Lisa Schmidt – Owns three commercial bottom longline vessels  
She is an avid diver and appreciates coral protections. There should be a common ground to make everyone happy. Historically longliners have been fishing in these areas, and there is not proof that they are damaging these areas. This should not be fear based management. This is already a highly regulated industry which makes it difficult to fish. She was concerned these regulations would put people out of business and on welfare. She does not understand the need to add more regulations.

**D'Iberville, Mississippi  
June 5, 2018**

Council/Staff

Dave Donaldson  
John Froeschke  
Karen Hoak

8 members of the public attended.  
8 members of the public spoke.

Robert Wiygul –

Supports expansion of Pulley Ridge with regulations (Action 1, Alternative 2). He also supports fishing regulations in new HAPCs off Texas (Action 5, Alternatives 2b and 3b). He says that it is difficult to implement regulations once fishing has begun in these areas. People's livelihoods are at stake, and he suggests a proactive approach is better.

Melissa Johnson –

Supports protecting biological resources that are slow growing and unlikely to recover from damage in human time scales. She supports implementing conservation-based alternatives ahead of the curve so as to not disrupt people's livelihoods. Supports (Action 5, Alternatives 2b and 3b).

Kendall Dix – Gulf Restoration Network

Supports preferred alternatives and a conservation-based approach to habitat management. States that there is evidence of habitat damage from the snapper grouper fishery in the northern Gulf, citing a NOAA technical memorandum regarding derelict gear. The process should be proactive rather than reactive. These protections would be great for everyone, recreational, commercial, and ecosystem.

Ryan Bradley – Mississippi Commercial Fisheries United

Supports most of the preferred alternatives in the document. Supports science-based studies into these issues rather than decisions being made through emotional reactions. Requests a review of regulations to see if it's acceptable to anchor outside of areas but drift over them to fish. He

asked if trawlers would be allowed to retain derelict lobster traps year round. Appreciative that industry was involved in the process to minimize adverse impacts.

John Guglik –

Supports coral protection and alternatives that apply the most conservation measures in HAPCs. He stated that ecosystem effects within HAPCs could benefit and expand the health and populations of species outside of the HAPCs.

Liz Platt –

Supports the most aggressive conservation measures within each action.

Bennet Price –

Supports conservation measures for what we already know about corals, and also stated there may be unknown benefits to protecting corals found through future study and research.

Phillip Wunsch – Environmental engineer and coral enthusiast

Supports coral conservation measures.

**Mobile, Alabama  
June 6, 2018**

Council/Staff

Bob Shipp

John Froeschke

Karen Hoak

9 members of the public attended.

2 members of the public spoke.

Carole Tabay –

Supports Coral Amendment 9 and the preferred alternatives. She would like to see protections in place at all 23 sites considered in the amendment.

Christian Wagley – Gulf Restoration Network

Supports Amendment 9, but would like to see regulations at all 23 sites. NOAA has previously documented damage to deep sea corals, and he referenced a NOAA report by Etnoyer. He supports preferred Alternative 5 in Action 2.

## Written Comment Summary

### Coral Amendment 9: Coral Habitat Areas Considered for Habitat Area of Particular Concern Designation in the Gulf of Mexico

#### 1665 Written Comments Received between 4/3/18 – 6/13/18

##### Action 1

- Support for preferred Alternative 4
- Support for Alternative 2 to ensure that the entire area is protected from future exploitation.

##### Action 2

- Alternative 4 makes a good compromise. However, there is concern that the coral “seed source” will be diminished by allowing bottom longlines in adjacent areas so, Alternative 5 might be most appropriate.
- Support for Preferred Alternative 5, option b – The west Florida shelf should be protected.
  - Bottom gear should be prohibited in the west Florida shelf while fishing grounds in non-coral areas should be maintained.
  - Trolling should still be permitted in the area.
  - Bottom longlining should be prohibited in the area.
  - Fishing gear should be kept away from the important coral areas
- Patch reefs have relationships to one another, so it’s good to protect the entire west Florida wall.

##### Action 3

- Support for preferred Alternatives 2, 3, 4, 5, 6, and 7, option b.

##### Action 4

- Support for preferred Alternatives 2, 3, and 4, option b.

##### Action 5

- Support for preferred Alternatives 2 and 3, option a.
- Support for Alternatives 2 and 3, option b. Harte Bank and Southern Bank should both have fishing regulations. These are known coral areas. The Southern Bank boundaries have already been reduced and the Harte Bank shows little evidence of fishing, so adding fishing regulations will allow for more protections without conflict to fishermen.

##### Action 6

- The areas considered in this action should have fishing regulations to protect them from potential future exploitation.
- Add fishing regulations now because new fisheries emerge faster than regulations can be put into place.
- Support for preferred Alternatives 2, 3, 4, 5, 6, 7, 8, and 9.

##### Action 7



- Support for preferred Alternative 2. Even if bottom dredging is not currently being used, it makes good sense to consider future protection and conservation of coral found in these areas.

#### General Support for the Amendment

- Designating the areas as HAPCs is fully appropriate according to the Council's authority and responsibility under the Magnuson-Stevens Act.
- The consultation requirement associated with designation ensures the Council will have a role in reviewing and commenting on activity authorized, funded, or undertaken by any federal or state agency that could adversely affect EFH and allows the Council to recommend measures to avoid, mitigate, or offset impacts.
- The Magnuson-Stevens Act requires the Council to designate EFH, minimize harmful fishing impacts on EFH, and actively protect and enhance EFH.
- The 1996 Sustainable Fisheries Act encourages the Council to take a proactive approach to limiting gear types that may harm fisheries or essential fish habitat.
- The 15 new HAPCs should have associated regulations that prohibit fishing related activities that damage corals.
- The use of bottom tending gear should be restricted in all 23 sites being considered.
- Protections should be expanded to all of the 23 sites in the document.
- Include regulations on fishing gear that interact with the ocean floor and could damage fragile corals at all 23 sites being considered.
- Protect corals now rather than waiting for evidence of destruction before acting.
- Bottom tending gear should be restricted in all HAPCs.
- This amendment would still allow historical levels of fishing for valuable commercial species while protecting deep-sea coral communities.
- Corals need to be protected from the oil and gas industry.
- Protect corals from fishing related damage.
  - Damage to deep sea corals due to bottom contacting gear is well documented.
  - Bottom trawls are particularly damaging to corals, so their use around coral areas should be minimized.
  - Trawling gear should be banned outright.
  - Longlines should not be allowed.
  - All gear that interacts with the ocean floor and could damage corals should be banned.
  - We should be able to come up with more sophisticated, less damaging gear that allows us to fish without harming corals.
  - Damage from fishing gear leaves coral areas vulnerable to disease.
  - Fishing practices damage all sorts of corals and sea fans.
  - Bycatch from commercial fishing is devastating.
- The Council should consider whether allowing historic levels of fishing is possible without risking the collapse of fish populations and the habitats on which they depend.

- Octocorals should be incorporated into the fishery management unit of the Fishery Management Plan for coral.
- Wildlife and global biodiversity should be protected.
- Damage to corals needs to be prevented because:
  - They're so fragile.
  - They take such a long time to recover.
  - Little is known about the ecosystem, so it should be protected.
  - Corals have thrived for centuries but are now threatened by man's interference.
  - Corals are an integral part of the ecosystem.
  - They provide feeding and breeding groups for numerous species.
  - They are the basis of life in the oceans and destroying corals will destroy human life.
  - All ecosystems are related and coral death will impact the food-chain.
  - We need to maintain the vitality of our oceans.
  - These ancient and beautiful organisms should be honored for future generations.
  - Healthy fisheries and oceans drive the success of Gulf coastal economies.
  - Researchers are just beginning to realize the potential for deep-water corals to solve human medical issues, such as cancer.
  - Deep water sponges provide antibiotics, cancer drugs, bone grafts, and dental implants. Sea Fans contain powerful anti-inflammatory chemicals. Soft corals have anti-viral properties. It's important to protect them for future utility.
  - Corals provide complex and diverse habitat for a variety of marine life including economically important species.
  - Rising ocean temperatures and pollution are already taking their toll, so we need to do what we can to protect coral.
  - Corals offer nursery grounds, protection from predators, and contribute to the reproduction and feeding of many species.
  - Corals act as the "canary in the coal mine" and their health is indicative of the wellbeing of the entire system.
  - Ocean acidification is already causing corals to die.
  - Ocean plastics are already killing corals so we need to save them when we can.
  - Coral reefs are endangered.
  - Deep corals play a critical role in seeding the growth of shallow water corals.
  - Corals provide refuge for crustaceans.
  - Healthy corals are habitat for fish and provide more fishing opportunities.
- Protecting corals would be the most significant action ever taken by the Council to safeguard fragile corals.
- We are destroying our environment for commercial, for-profit reasons and through recreational carelessness.
- Ultimately, fishermen will benefit from protected corals because they'll encourage healthy fisheries.
- As the ocean waters warm, fish will move deeper and so will fishermen, it's important to protect the corals preemptively.

- All corals are in danger so we need to protect what we have.
- Amendment 9 is a good start, but we need to do even more to protect our corals.
- Do what you can to protect corals because there are so many other threats including oil spills, chemicals, acidification, mining, a rise in ocean temperatures.
- The Mid-Atlantic Council has protected corals, so the Gulf ought to do the same.
- We're already losing species we don't know about because of oil drilling and spilling.
- Protecting corals is a long-term way to protect our Gulf and its fisheries, while allowing degradation from fishing practices is short sighted.
- Killing corals with fishing gear is no different than clear cutting old growth forest like California's Sequoia National Park. The Sherwood Forest in Nottinghamshire was leveled to allow hunting for a few deer.

#### General Opposition to the Amendment

- No New HAPCs should be established
- No new gear restrictions should be made
- The Gulf of Mexico is a vital environmental resource for the nation and a critical economic engine.
- Descriptions of the areas being considered for HAPC status should not be qualitative and areas should not be considered for such status without explicit scientific evidence that each area meets the criteria for HAPC designations defined in 50CFR600.815.(a)(8).
- The Council should include alternatives beyond the two choices of "no action" or identification of HAPC when considering action for deep sea coral zone designations.
- A comprehensive cost-benefit analysis for all potentially impacted industry should be included for each alternative.
- The Council should consider and describe how the alternatives integrate and/or overlap with existing regulations of other federal agencies to avoid unnecessary confusion and potentially conflicting regulatory requirements.
- The Council should clearly articulate what the short and long-term management strategies are for coral resources, including how the strategy integrates with other proposed actions by federal agencies.
- Opposition to any area closures to the bottom longline fishery because there is no real evidence of damage to the bottom due to longlines. Scientists even state that they've seen rapid new coral growth in areas that are bottom longlined heavily and that coral colonies in Pulley Ridge have declined since it was closed to longlining vessels.