

# **Essential Fish Habitat: An overview of the consultation requirement for the American Association of Port Authorities**



**National Marine Fisheries Service, Southeast Regional Office  
Habitat Conservation Division, Atlantic Branch**

**Jocelyn Leah Karazsia**

**Department of Commerce**

**National Oceanic & Atmospheric Administration**

**National Marine Fisheries Service**

**Habitat Conservation Division**

**Southeast Regional Office**

**Atlantic Branch**

**West Palm Field Office**



# NOAA Fisheries' Mission

---

Stewardship of living marine resources through science-based conservation and management and the promotion of healthy ecosystems

## Habitat Conservation Division

- Provide recommendations for *sequentially avoiding, minimizing, and offsetting adverse impacts* to NOAA-trust resources
- Conservation and enhancement of Essential Fish Habitat (EFH)
- Magnuson-Stevens Fishery Conservation and Management Act

# Presentation overview:

---

- Legislative Mandates
- Defining EFH
- Examples of Interagency Coordination on Port projects



# Legislative Mandates

---

- **Magnuson-Stevens Fishery Conservation and Management Act**
- **Federal Power Act and Energy Policy Act**
- **Deepwater Port Act**
- **Coral Reef Conservation Act**
- Fish and Wildlife Coordination Act
- Clean Water Act
- Water Resources Development Act
- Anadromous Fish Conservation Act
- Atlantic Coastal Fisheries Cooperative Management Act
- National Environmental Policy Act
- Marine Protection, Research and Sanctuaries Act

# Magnuson-Stevens Act and the Essential Fish Habitat (EFH) Rule

---

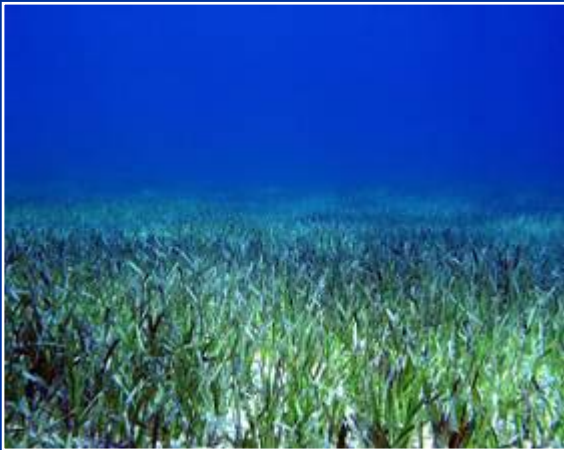
- Consultation requirements for federal agencies when an *adverse affect* to EFH is proposed [50 CFR Part 600]
- Describe and identify EFH for each federally-managed fishery (through Fishery Management Councils)
- Encourage conservation and enhancement of EFH
- Congress defined EFH in the Magnuson-Stevens Act as “those **waters** and **substrate necessary** to fish for **spawning, breeding, feeding, or growth to maturity**” [16 U.S.C. 1802(10)]



# Essential Fish Habitat

---

what is it, where is it found, and who designated it...



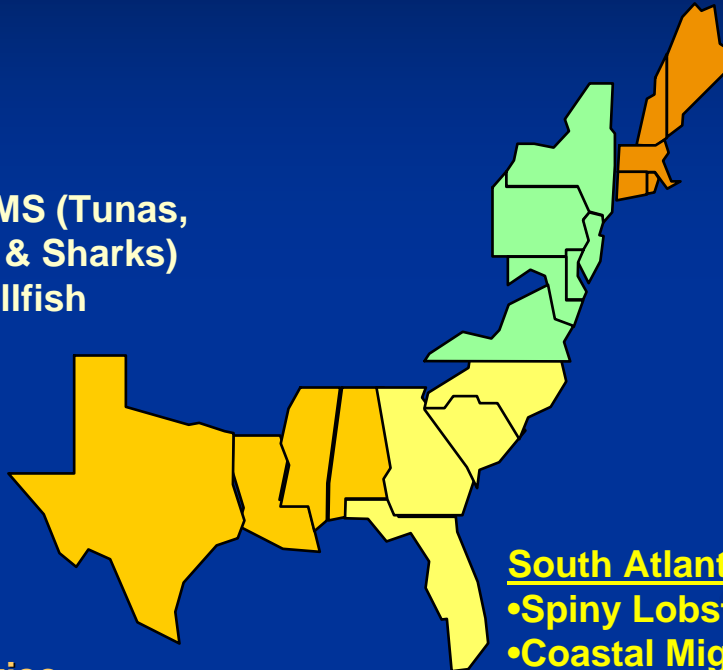
# East Coast, Caribbean and Gulf Fishery Management Councils

## Secretarial

- Atlantic HMS (Tunas, Swordfish & Sharks)
- Atlantic Billfish

## Gulf of Mexico

- Spiny Lobster
- Coastal Migratory Pelagics
- Coral & Coral Reefs
- Stone Crab
- Shrimp
- Reef Fish Resources
- Red Drum



## South Atlantic

- Spiny Lobster
- Coastal Migratory Pelagics
- Snapper-Grouper
- Red Drum
- Coral, Live/Hard Bottom
- Shrimp
- Golden Crab
- Dolphin/Wahoo
- Calico Scallop
- Sargassum

## New England

- Monkfish
- Multispecies
- Sea Scallops
- Atlantic Salmon
- Atlantic Herring

## Mid-Atlantic

- Mackerel, Squid, Butterfish
- Surf Clam & Ocean Quahog
- Atlantic Bluefish
- Summer Flounder, Scup & Black Sea Bass
- Dogfish

## Caribbean

- Queen Conch
- Corals, Plants and Invertebrates
- Spiny Lobster
- Caribbean Reef Fish



# South Atlantic FMC EFH Amendment

---

## EFH Categories:

- Palustrine & estuarine emergent wetlands
- Mangroves
- Coral & Live Bottoms
- Seagrass & Algal flats
- Oyster reefs
- Intertidal & Mud Flats
- Sargassum
- Estuarine & marine water column

## HAPC Categories:

- Coral & Hard Bottoms
- Mangroves & Seagrass
- Worm Reefs
- Biscayne & FL Bays
- Grays Reef NMS
- Bogue Sound
- Charleston Bump
- Oculina Bank



# EFH Consultation Process

Federal Action proposed that may adversely affect EFH

Corps Public Notice...30 days  
NEPA EIS/EA.....45-60 days  
EFH Assessment...30-60 days

NOAA Fisheries provides EFH Conservation Recommendations (CRs) to Federal Action Agency

**Federal Action Agency has 30 days to provide a written response**

Action agency adopts CRs and provides 10-day letter  
NOAA Fisheries responds within 10 days

or

Action agency does not adopt and sends substantive response as a 10-day letter  
NOAA Fisheries responds within 10 days

or

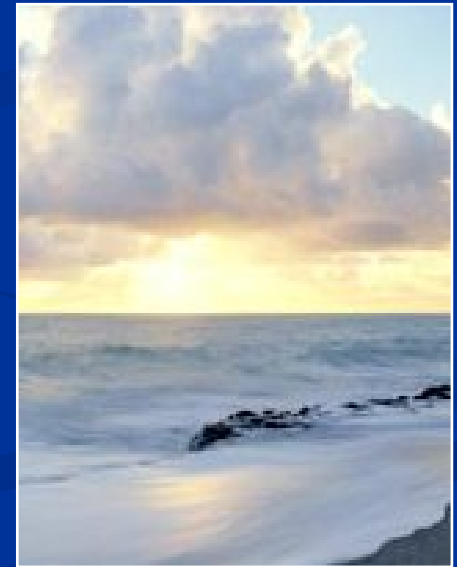
Action agency provides interim response and proceeds to one of the two above actions

**Process continues until EFH consultation requirement satisfied**

# Clean Water Act, §404

---

- 404(b)(1) guidelines require sequential avoidance, minimization and compensation for impacts to Waters of the U.S.
- 404(q) elevation of permits
  - Water Resources Development Act
  - Aquatic Resources of National Importance (oyster, hard clam, skipjack tuna, blue crab, swordfish, Atlantic menhaden, striped bass, hickory shad, shortnose sturgeon, etc.)



# Example #1: Port Everglades Outer Entrance Channel



# Port Everglades Expansion Project

---

- Outer Entrance Channel Reef Impacts
- Interagency/Stakeholder Working Group
- Other EFH challenges



# Example #2: Key West Harbor Dredging Project

---

- Key Players
- Entire FKNMS is an HAPC
- EFH challenges and accomplishments
- Resource health and sedimentation monitoring
- Working Group



Photo by Vladimir Kosmyrin

# Example #3: Charleston Harbor Port Terminal

---

- Close coordination with the Corps, FWS and South Carolina DNR
- Resolved mitigation issues
- Oyster habitat creation and marsh restoration



Remember: Marine ecosystems maintain the fisheries, protect our coasts, and provide recreation for all of us. Please protect them!



Photo by: Juan L. Torres, Carlos Pacheco, Lisamarie Carrubba y Efra Figueroa



# Questions?

