



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
 9721 Executive Center Drive N.  
 St. Petersburg, Florida 33702

June 30, 1998

Colonel William L. Connor  
 District Engineer, New Orleans  
 Department of the Army, Corps of Engineers  
 P.O. Box 60267  
 New Orleans, LA 70160

Dear Colonel Connor:

Thank you for your June 30, 1998, letter requesting the National Marine Fisheries Service (NMFS) to make a finding that the consultation processes used for the Coastal Wetlands Planning, Protection and Restoration Act (Breux Act) may be used to meet the consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Provisions for conducting this finding are found in the NMFS Interim Final Rules (CFR vol. 62, No. 244, pages 66495 - 66812) and Subpart K - EFH Coordination, Consultation, and Recommendations (§ 600.920). Specifically, § 600.920(e)(3) on Federal agency consultation with the Secretary, allows the NMFS to find that existing consultation /environmental review procedures may be used to meet the consultation requirements of the MSFCMA.

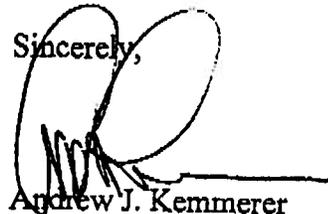
We have identified four existing processes that could be used to satisfy the consultation requirements of the MSFCMA. These are the National Environmental Policy Act (NEPA), the Fish and Wildlife Coordination Act, and Section 404 of the Clean Water Act. All are identified in § 600.920(e) of the NMFS Interim Final Rules as appropriate environmental review procedures that can be used to consolidate the MSFCMA essential fish habitat consultation requirements. Breux Act projects approved by the Task Force would use one or more of these avenues to be authorized for construction. We believe that most, if not all Breux Act projects could use the NEPA process to complete the consultation. These existing processes allow the NMFS to be notified in a timely fashion if a given action may adversely impact EFH and provide a forum for the assessment of impacts to essential fish habitat. We acknowledge the validity of constructing this assessment within an ecosystem-based context for the Breux Act coastal restoration activities.

Accordingly, the NMFS concurs with your conclusion and finds that existing Breux Act coordination and review processes are adequate to meet the consultation requirements of the MSFCMA. The NMFS will work cooperatively with the Task Force agencies to assist in preparing the appropriate essential fish habitat assessments at the time that consultation provisions become effective and we will continue to work with you to develop a process for Federal agency response, as required by law.



We appreciate your efforts as well as that of the other Task Force representatives in assisting us to implement the habitat provisions of the MSFCMA. We are pleased that the excellent coordination mechanisms developed for the Breaux Act allow us to produce these findings. We strongly support the Breaux Act and are pleased with the excellent progress and success of this program.

Sincerely,

A handwritten signature in black ink, appearing to read 'AJK', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Andrew J. Kemmerer  
Regional Administrator

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R  
PW

**DEPARTMENT OF THE ARMY**

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 50267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF:

June 30, 1998

Executive Office

Dr. Andrew J. Kemmerer  
Regional Administrator  
National Marine Fisheries Service  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702

Dear Dr. Kemmerer:

Please reference the National Marine Fisheries Service (NMFS) Interim Final Rules (CFR vol. 62, No. 244, pp 66495 - 66812) and Subpart K - EFH Coordination, Consultation, and Recommendations (§ 600.920). Specifically, the section on Federal agency consultation with the Secretary allows the NMFS to make a finding pursuant to § 600.920(e)(3) that existing consultation/environmental review procedures may be used to meet the consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

We ask the NMFS to issue a finding for the Coastal Wetland Planning, Protection, and Restoration Act (CWPPRA). This is a regionally-based program and the U.S. Army Corps of Engineers, as chair for the CWPPRA Task Force, is making this request for the other Federal and State agencies represented on the Task Force. CWPPRA's goal is to restore Louisiana wetlands and other coastal systems using ecosystem management-related principles focused on the entire coastal zone. The CWPPRA process includes, as appropriate, various environmental review procedures. Project documentation is prepared to address requirements of the National Environmental Policy Act, the Fish and Wildlife Coordination Act, Section 10 of the River and Harbor Act, and the Clean Water Act. We believe that these existing processes are adequate to meet the consultation requirements of the MSFCMA and would appreciate your review and findings in support of this conclusion.

If you have any questions, or need additional information, please contact Dr. Steve Mathies at (504) 862-2878.

Sincerely,

*William L. Conner*

William L. Conner  
Colonel, U.S. Army  
Chairman, Coastal Wetlands Planning,  
Protection, and Restoration Act Task  
Force



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702

March 16, 2001

MEMORANDUM FOR: Breaux Act Task Force

FROM: Andreas Mager, Jr., Assistant Regional Administrator  
National Marine Fisheries Service

SUBJECT: Essential Fish Habitat Guidance

At the request of the Coastal Wetlands Planning, Protection, and Restoration Act (Breux Act) Task Force, on June 30, 1998, the National Marine Fisheries Service (NMFS) provided a *findings* pursuant to the implementing regulations (50 CFR Part 600) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The *findings* specified that, for wetland restoration projects proposed for construction under the Breux Act, environmental review procedures employed by the sponsoring Federal agency could be used to fulfill the Essential Fish Habitat (EFH) consultation requirements of the MSA.

By this memorandum we are offering guidance to the Task Force agencies, intended to clarify the legal and regulatory requirements for EFH consultation under the MSA. While we are confident that the agencies are generally aware of their EFH consultation obligations, we are equally confident that procedural guidance would facilitate future EFH consultations on projects funded through the Breux Act. The following information, encompassing initiation of EFH consultation, assessment contents, and coordination procedures and time frames, is being provided to ensure that the EFH consultation requirements of the MSA are met and any delays associated with that consultation are minimized.

#### Consultation Initiation

After it is determined that an agency action may adversely affect EFH, consultation with the NMFS is required (MSA §305(b)(2)). Notification of potential impacts on EFH should occur when the sponsoring agency sends NMFS a draft environmental assessment (EA) or a separate request for EFH consultation prior to initiating formal National Environmental Policy Act action. The document transmittal letter or memorandum should be directed to the Baton Rouge field office, specifically request EFH consultation, and allow adequate time for NMFS review and comment.

#### EFH Assessment

Draft EAs prepared by the Task Force agencies, if used as the consultation mechanism, should contain sufficient information to satisfy the requirements at 50 CFR 600.920(g). The regulations require that an EFH assessment include: 1) a description of the proposed action; 2) an analysis of individual and cumulative effects on EFH for Federally managed species and associated fisheries; 3) the agency's views regarding effects; and, 4) proposed mitigation, if applicable. The draft documents can incorporate such information by reference to documents prepared for a similar or related action,



supplemented with any relevant new project specific information. Incorporation of information by reference meets EFH consultation requirements provided the proposed action involves similar adverse impacts to EFH in the same geographic area or similar ecological setting, and the referenced document has been provided to the NMFS.

If the evaluation of project impacts on EFH is addressed in a draft EA, it should be contained in a section or chapter titled "EFH Assessment" or by reference to companion documents. The EFH discussion, to avoid repetition, may reference pertinent information on the affected environment and environmental consequences when they are provided in other sections or chapters of the EA or in companion documents.

#### Coordination

After receiving an EFH consultation request and assessment, and within the comment period specified by the sponsoring agency (normally 30 days), NMFS will provide a written project evaluation which will include EFH conservation recommendations, when appropriate. NMFS will provide such recommendations as a part of our overall project comments. When EFH comments are offered, they will be contained in a separate section titled "EFH Conservation Recommendations." In instances where NMFS believes that the impacts to EFH could be significant, we normally will coordinate those concerns with the Gulf of Mexico Fishery Management Council (GMFMC) during the comment period.

Under §305(b)(4)(B) of the MSA, the sponsoring agency has a statutory requirement to respond in writing within 30 days to EFH recommendations made by either the NMFS or the GMFMC. If the agency will not be able to complete a signed Finding of No Significant Impact (FONSI), Record of Decision (ROD), or other final action within 30 days of receiving EFH Conservation Recommendations, an interim written response should be provided within 30 days. A detailed response should be provided at least 10 days prior to taking final action (e.g., signing a FONSI or ROD).

#### Higher Level Review

If a Task Force agency decision is inconsistent with NMFS EFH conservation recommendations, NMFS will endeavor to resolve any conflicts at the field level whenever possible. Efforts to resolve outstanding EFH issues should include NMFS, the local and Federal sponsor, and, if appropriate, other Task Force representatives and the GMFMC. If satisfactory resolution cannot be achieved, 50 CFR 600.920(j)(2) allows the NOAA Assistant Administrator for Fisheries to request a meeting with the appropriate headquarters official to discuss the proposed action and opportunities for resolving any disagreements.

To assist you in document preparation, I have included an outline of the consultation process, a description of how an abbreviated EFH assessment might be incorporated in an environmental assessment prepared by a Breaux Act Task Force agency, and an EFH background document. Your review of the EFH content of one of the recent Breaux Act EAs prepared by NMFS may be beneficial.

Please contact Mr. Rickey Ruebsamen, the Southeast Region's EFH Coordinator, at 727/570-5317, if you have any questions or wish to discuss this guidance. Also, EFH resource information for the Gulf of Mexico is available at <http://galveston.ssp.nmfs.gov/efh/>.

Attachments

### **Suggested Outline of the Process for EFH Consultation for CWPPRA Restoration Projects**

- ▶ Sponsoring agency provides NMFS with an EA or stand-alone EFH assessment
  - ▶ The transmittal indicates that it is intended to initiate EFH consultation
  - ▶ The report includes the required components of an EFH assessment
  - ▶ NMFS is allowed sufficient time to review and comment
- ▶ NMFS provides EFH conservation recommendations, as appropriate, within specified time frames
- ▶ Sponsoring agency responds to NMFS EFH conservation recommendations<sup>1</sup>
  - ▶ A final response is provided to NMFS within 30 days, or an interim response may be transmitted if final action on the project cannot be completed within that time
  - ▶ Final response is provided to NMFS at least 10 days prior to final action/approval (e.g., signing of a FONSI or ROD)
  - ▶ If NMFS recommendations are not accepted, the response should include a detailed explanation of why NMFS recommendations are not being followed and a scientific justification for any disagreements over anticipated EFH impacts
- ▶ NMFS may seek headquarters-level review of decisions contrary to NMFS conservation recommendations

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<sup>1</sup>Note that the MSA also requires a written response to comments provided by a Fishery Management Council.

## **Recommended Contents of an EFH Assessment as Part of a Draft EA or Consultation Request Letter/Report**

- I. The consultation request letter or EA transmittal letter should state that the document and information contained therein represent the sponsoring agency's initiation of EFH consultation.
- II. Description of the proposed action - use existing agency format and requirements.
- III. Analysis of effects - EFH assessments can be prepared in a letter or report format, provided the required information [see 50 CFR 600.920(g)] is included, or incorporated in the EA in a manner similar to the following:
  - A. The description of fish and wildlife resources and vegetative communities contained in the chapter describing the existing environment should be expanded to specifically identify Federally-managed fisheries and EFH in the project area. For activities expected to minimally impact EFH, these can be brief inserts. For example, in the fisheries description, the text might read: *Juvenile and adult red drum and postlarval and juvenile brown and white shrimp are common in the project area and are managed under the Magnuson-Stevens Fishery Conservation and Management Act (PL 104-297). EFH for various life stages of these species is presented in the following table.* As part of the description of vegetative communities, the text could be supplemented with statements similar to the following: *The generic amendment to Gulf of Mexico Fishery Management Plans identifies Essential Fish Habitat in the project area to be intertidal wetlands, submerged aquatic vegetation, unvegetated bottoms, shell reefs, and the estuarine water column. Habitat Areas of Particular Concern have not been identified for the project area.* Because EFH may include open water and non-vegetated habitats, the sponsoring agency may find it more appropriate to describe EFH separately from the description of vegetative communities.

NOTE: More complex projects or those potentially having substantial EFH impacts should include a greater level of detail on life stages, seasonality of occurrence, environmental requirements, etc. of managed and associated fisheries. Similarly, the description of EFH should be discussed in more depth. The agency may determine prior to initiation of consultation that expanded consultation should be requested pursuant to 50 CFR 600.920(i).

- B. The discussion of environmental consequences portion of the document should include a separate section entitled "EFH Assessment" which includes an evaluation of project and cumulative effects, the sponsoring agency's evaluation of those effects, and any mitigation proposed. The scope of this section should be determined by the

anticipated level of impact. For projects expected to have minimal impacts, this assessment could be a one paragraph section similar to the following: *The "Big Bayou Marsh Creation project" would affect xx acres of coastal habitat identified as EFH. Impacts to bay bottom, intertidal marsh, and submerged aquatic vegetation and federally managed species are addressed in Section 5.2 of the environmental assessment. These adverse impacts would be offset by the restoration of xx acres of intertidal wetlands. We consider the adverse impacts to be minimal on an individual project and cumulative affects basis. The net, long-term project impacts to EFH would be beneficial to the Federally-managed fisheries of coastal Louisiana.*

In instances where impacts would be more than minor, the "**EFH Assessment**" should be sufficiently detailed (by reference to other sections of the report or other environmental documents, where appropriate) to fully describe project impacts, effects on EFH and dependent resources, and mitigation to offset the unavoidable impacts to the managed resources. Consideration also should be given to supplementing the assessment with information from site inspections and evaluations, pertinent literature, expert opinion, and discussion of less damaging alternatives (or reference to such discussion presented elsewhere in the document).

- IV. Federal sponsor views - the agency's views regarding EFH impacts can be specified as a part of the "**EFH Assessment**" and/or included and highlighted in the section of the environmental document which presents the agency's conclusions about the subject action.
- V. Proposed mitigation - We believe Breaux Act projects normally will be self-mitigating. However, if mitigation is proposed, it should be identified in the "**EFH Assessment**" and described in detail in the section of the environmental document reserved for such discussion. The discussion of how adverse EFH impacts would be minimized and offset should be presented separately from the discussion of other (non-EFH) proposed mitigative measures.

NOTE: This document is frequently updated to reflect changes in NMFS staff and new or updated EFH designations. See <http://sero.nmfs.noaa.gov/hcd/efh.htm> for most current version.

# Essential Fish Habitat:

**A Marine Fish Habitat Conservation Mandate  
for Federal Agencies**

**Gulf of Mexico Region**



***National Marine Fisheries Service  
Habitat Conservation Division  
Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, FL 33702  
727/570-5317***

***March 2001***

## *Executive Summary*

The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) set forth a new mandate for the National Marine Fisheries Service (NMFS), regional fishery management councils (FMC), and other Federal agencies to identify and protect important marine and anadromous fish habitat. The EFH provisions of the MSFCMA support one of the Nation's overall marine resource management goals - maintaining sustainable fisheries. Essential to achieving this goal is the maintenance of suitable marine fishery habitat quality and quantity. The FMCs, with assistance from NMFS, have delineated essential fish habitat (EFH) for Federally managed species. As new FMPs are developed, EFH for newly managed species will be defined as well. Federal action agencies which fund, permit, or carry out activities that may adversely affect EFH are required to consult with NMFS regarding the potential impacts of their actions on EFH, and respond in writing to NMFS or FMC recommendations. In addition, NMFS and the FMCs may comment on and make recommendations to any state agency on their activities which may affect EFH. Measures recommended by NMFS or an FMC to protect EFH are advisory, not proscriptive.

On December 19, 1997, interim final rules were published in the Federal Register (Vol. 62, No. 244) which specify procedures for implementation of the EFH provisions of the MSFCMA. The rules, in two subparts, address requirements for fishery management plan (FMP) amendment, and detail the coordination, consultation, and recommendation requirements of the MSFCMA.

Within the area encompassed by the NMFS Southeast Region, EFH has been identified for hundreds of marine species covered by 20 FMPs, under the auspices of the Gulf of Mexico, South Atlantic, or Caribbean FMC or the NMFS. A generic FMP amendment delineating EFH for species managed by the Gulf of Mexico FMC were completed and approved in early 1999. In addition, EFH for highly migratory species managed by the NMFS was identified in two Secretarial FMPs.

Wherever possible, NMFS intends to use existing interagency coordination processes to fulfill EFH consultations for Federal agency actions that may adversely affect EFH. Provided certain regulatory specifications are met, EFH consultations will be incorporated into interagency procedures established under the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes. If existing processes cannot adequately address EFH consultation requirements, appropriate new procedures should be developed in cooperation with the NMFS. Programmatic consultations may be implemented or General Concurrences may be developed when program or project impacts are individually and cumulatively minimal in nature. Moreover, NMFS will work closely with Federal agencies on programs requiring either expanded or abbreviated individual project consultations.

An effective, interagency EFH consultation process is vital to ensure that Federal actions are consistent with the MSFCMA resource management goals. The NMFS will strive to work with action agencies to foster an understanding of EFH consultation requirements and identify the most efficient interagency mechanisms to fulfill agency responsibilities.

# ESSENTIAL FISH HABITAT:

## A Marine Fish Habitat Conservation Mandate for Federal Agencies Gulf of Mexico Region

### **Introduction**

This document has been prepared by the Southeast Regional Office of the National Marine Fisheries Service (NMFS) to provide an overview of the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and implementing rules. This document provides a brief legislative and regulatory background, introduces the concept of EFH, and describes consultation requirements. Consistent with elements of the NMFS's National Habitat Plan, Strategic Plan, and Habitat Conservation Policy, this document is intended to: provide a mechanism for information exchange; foster interagency discussion and problem-solving; and enhance communication and coordination among the NMFS, Gulf of Mexico Fishery Management Council (GMFMC), and affected state and Federal agencies. Ultimately, improved interagency coordination and consultation will enhance the ability of the agencies, working cooperatively, to sustain healthy and productive marine fishery habitats.

### **Legislative and Regulatory Background**

The 1996 amendments to the MSFCMA (excerpted at Appendix 1) set forth a new mandate to identify and protect important marine and anadromous fisheries habitat. The regional fishery management councils (FMC), with assistance from NMFS, are required to delineate EFH in fishery management plans (FMP) or FMP amendments for all Federally managed fisheries. Federal action agencies which fund, permit, or carry out activities that may adversely affect EFH are required to consult with NMFS regarding potential adverse impacts of their actions on EFH, and respond in writing to NMFS and FMC recommendations. In addition, NMFS is directed to comment on any state agency activities that would impact EFH adversely.

The purpose of addressing habitat in this act is to further one of the Nation's important marine resource management goals - maintaining sustainable fisheries. Achieving this goal requires the long-term maintenance of suitable marine fishery habitat quality and quantity. Measures recommended to protect EFH by NMFS or an FMC are advisory, not proscriptive. An effective EFH consultation process is vital to ensuring that Federal actions are consistent with the MSFCMA resource management goals.

Guidance and procedures for implementing the 1996 amendments of the MSFCMA were provided through interim final rules established by the NMFS in 1997 (50 CFR Sections 600.805 - 600.930). These rules specify that FMP amendments be prepared to describe and identify EFH and identify appropriate actions to conserve and enhance those habitats. In addition, the rules establish procedures to promote the protection of EFH through interagency coordination and consultation on proposed Federal and state actions.

### **EFH Designation**

The MSFCMA requires that EFH be identified for all fisheries which are Federally managed. This includes species managed by the FMCs under Federal FMPs, as well as those managed by the NMFS under FMPs developed by the Secretary of Commerce. EFH is defined in the MSFCMA as "...those

waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The rules promulgated by the NMFS in 1997 further clarify EFH with the following definitions: **waters** - aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate; **substrate** - sediment, hard bottom, structures underlying the waters, and associated biological communities; **necessary** - the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem; and **spawning, breeding, feeding, or growth to maturity** - stages representing a species’ full life cycle. EFH may be a subset of all areas occupied by a species. Acknowledging that the amount of information available for EFH determinations will vary for the different life stages of each species, the rules direct the FMCs to use the best information available, to take a risk averse approach to designations, and to be increasingly specific and narrow in their delineations as more refined information becomes available.

Applicable FMP authorities for the Gulf of Mexico, along with some of the species covered by those FMPs, are listed in Appendices 2 and 3. Species listed are those for which data were adequate to define and describe EFH. The listed species collectively occur throughout the areas managed by the NMFS and GMFMC, therefore, inclusion of additional species for which life history data are limited would not encompass a greater geographic area. The areas designated as EFH by the GMFMC are generalized in Appendix 4.

The rules also direct NMFS and FMCs to consider a second, more limited habitat designation for each species in addition to EFH. Habitat Areas of Particular Concern (HAPC) are described in the rules as subsets of EFH which are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. In general, HAPC include high value intertidal and estuarine habitats, offshore areas of high habitat value or vertical relief, and habitats used for migration, spawning, and rearing of fish and shellfish. Areas identified as HAPC by the NMFS and the GMFMC are presented in Appendix 5. For a complete description of designated HAPC the reader should reference the appropriate FMP amendment. HAPCs are not afforded any additional regulatory protection under the MSFCMA; however, Federal actions with potential adverse impacts to HAPC will be more carefully scrutinized during the consultation process and will be subject to more stringent EFH conservation recommendations.

Designating the spatial and seasonal extent of EFH has taken careful and deliberate consideration by NMFS and the GMFMC. The effort to identify and delineate EFH was a rigorous process that involved advice and input by numerous state and Federal agencies and the public at large. Appendices 6 and 7 present summaries of many of the Federally-managed species and the associated categories of EFH for each life stage based on information developed by the NMFS and the GMFMC (note, information for all species and all life stages is not available). These two appendices are intended to provide a summary of habitat and geographic information on species managed by the council as well as for species managed the NMFS, where EFH has been identified for the managed species within oceanic, coastal, and estuarine habitats of the Gulf of Mexico. To review definitive descriptions of EFH, the reader should refer to the FMP amendments.

Additional sources of information, useful for preparing EFH assessments, and to further one’s understanding of EFH designations and Federally managed fishery resources are available through the NMFS and GMFMC. Appendix 8 provides citations for the FMPs for the Gulf of Mexico and identifies web sites containing information on the MSFCMA, the NMFS interim final rules governing EFH designation and consultation, and data on specific managed fisheries and associated habitats. NMFS and FMC points of contact for the entire Southeast Region are identified in Appendix 9.

Besides delineating EFH, the FMPs produced for managed fisheries in the Gulf of Mexico identify and describe potential threats to EFH, which include threats from development, fishing, or any other sources.

Also identified are recommend EFH conservation and enhancement measures. Guidelines used in the development of EFH amendment sections for each of these issues are included in the EFH rules.

NMFS and FMCs also are required to implement management measures to minimize, to the extent practicable, any adverse impacts to EFH caused by fishing gears. Those measures can include area closures, gear restrictions, seasonal restrictions, and other measures designed to avoid or minimize degradation of EFH attributable to fishing activities. Various protective measures have been imposed for some fisheries under NMFS and FMC jurisdiction and FMCs are coordinating with the NMFS to identify research necessary to determine where additional conservation measures might be appropriate.

### **EFH Consultations**

In the regulatory context, one of the most important provisions of the MSFCMA for conserving fish habitat is that which requires Federal agencies to consult with NMFS when any activity proposed to be permitted, funded, or undertaken by a Federal agency may have adverse affects on designated EFH. The consultation requirements in the MSFCMA direct Federal agencies to consult with NMFS when any of their activities may have an adverse affect on EFH. The EFH rules define an **adverse affect** as “any impact which reduces quality and/or quantity of EFH...[and] may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species’ fecundity), site-specific or habitat wide impacts, including individual, cumulative, or synergistic consequences of actions.”

The consultation provisions have caused some concern among Federal action agencies regarding potential increases in workload and the regulatory burden on the public. NMFS has addressed these concerns in the EFH rules by emphasizing and encouraging the use of existing environmental review processes and time frames. Provided the specifications outlined in the EFH regulations are met, consultations should be incorporated into interagency procedures previously established under the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes.

To incorporate EFH consultations into coordination, consultation and/or environmental review procedures already required by other statutes, three criteria must be met:

- (1) The existing process must provide NMFS with timely notification of the action;
- (2) Notification of the action must include an *EFH Assessment* of the impacts of the proposed action as outlined in the EFH rules; and
- (3) NMFS must have completed a written *finding* that the existing coordination process satisfies the requirements of the MSFCMA.

An *EFH Assessment* is a critical review of the proposed project and its potential impacts to EFH. As set forth in the rules, *EFH Assessments* must include: (1) a description of the proposed action; (2) an analysis of the effects, including cumulative effects, of the action on EFH, the managed species, and associated species by life history stage; (3) the Federal agency’s views regarding the effects of the action on EFH; and (4) proposed mitigation, if applicable. If appropriate, the assessment should also include the results of an on-site inspection, the views of recognized experts on the habitat or species affects, a literature review, an analysis of alternatives to the proposed action, and any other relevant information.

Once NMFS learns of a Federal or state activity that may have an adverse effect on EFH, NMFS is required to develop EFH conservation recommendations for the activity, even if consultation has not been

initiated by the action agency. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH and are to be provided to the action agency in a timely manner. The MSFCMA also authorizes FMCs to comment on Federal and state projects, and directs FMCs to comment on any project which may substantially impact EFH. The MSFCMA requires that Federal agencies respond to EFH conservation recommendations of the NMFS and FMCs in writing and within 30 days.

Consultations may be conducted through programmatic, general concurrence, or project specific mechanisms. Evaluation at a programmatic level may be appropriate when sufficient information is available to develop EFH conservation recommendations and address all reasonably foreseeable adverse impacts under a particular program area. General Concurrences can be utilized for categories of similar activities having minimal individual and cumulative impacts. Programmatic and General Concurrence consultations minimize the need for individual project consultation in most cases because NMFS has determined that the actions will likely result in no more than minimal adverse effects, and conservation measures would be implemented. For example, NMFS might agree to a General Concurrence for the construction of docks or piers which, with incorporation of design or siting constraints, would minimally affect Federally managed fishery resources and their habitats.

Consultations at a project-specific level are required when critical decisions are made at the project implementation stage, or when sufficiently detailed information for development of EFH conservation recommendations does not exist at the programmatic level. To facilitate project-specific consultations, NMFS and the action agency should discuss how existing review or coordination processes can be used to accomplish EFH consultation. With agreement on how existing coordination mechanisms will be used, the NMFS will transmit a *findings* letter to the action agency describing the conduct of EFH consultation within existing project review frameworks.

Project specific consultations must follow either the abbreviated or expanded procedures. Abbreviated consultations allow NMFS to quickly determine whether, and to what degree, a Federal action may adversely impact EFH, and should be used when impacts to EFH are expected to be minor. For example, the abbreviated consultation procedure would be used when the adverse effect of an action or proposed action could be alleviated through minor design or operational modifications, or the inclusion of measures to offset unavoidable adverse impacts.

Expanded consultations allow NMFS and a Federal action agency the maximum opportunity to work together in the review of an activity's impact on EFH and the development of EFH conservation recommendations. Expanded consultation procedures must be used for Federal actions that would result in substantial adverse effects to EFH. Federal action agencies are encouraged to contact NMFS at the earliest opportunity to discuss whether the adverse effect of a proposed action makes expanded consultation appropriate. In addition, it may be determined after review of an abbreviated consultation that a greater level of review and analysis would be appropriate and that review through expanded consultation procedures should be employed. Expanded consultation procedures provide additional time for the development of conservation recommendations, and may be appropriate for actions such as the construction of large marinas or port facilities and activities subject to preparation of an environmental impact statement.

The MSFCMA mandates that a Federal action agency must respond in writing to EFH conservation recommendations from NMFS and FMCs within 30 days of receiving those recommendations. The rules require that such a response be provided at least 10 days prior to final approval of the action, if a decision by the Federal agency is required in fewer than 30 days. The response must include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with NMFS conservation recommendations, the agency must

explain its reasons for not following the recommendations, including the scientific rationale for any disagreements with NMFS over the anticipated effects of the proposed action and the measures needed to offset such effects.

The regulations provide an important opportunity to resolve critical and outstanding EFH issues prior to an action agency rendering a final decision. When an agency decision is inconsistent with NMFS conservation recommendations, the NMFS Assistant Administrator may request a meeting with the head of the action agency to further discuss the project and achieve a greater level protection of EFH and Federally managed fisheries. The process for higher level review of proposed actions is not specified in the regulations, rather it is to be addressed on an agency-by-agency basis. In keeping with NMFS's effort to minimize the regulatory burden of EFH consultation requirements, review by the Assistant Administrator and action agency representative should be streamlined and tightly focused.

### **Conclusion**

The EFH mandates of the MSFCMA represent an integration of fishery management and habitat management by stressing the dependency of healthy, productive fisheries on the maintenance of viable and diverse estuarine and marine ecosystems. Federal action agencies are required to consult with the NMFS whenever a construction, permitting, funding, or other action may adversely affect EFH. The EFH consultation process will ensure that Federal agencies explicitly consider the effects of their actions on important habitats, with the goal of supporting the sustainable management of marine fisheries. The NMFS is committed to working with Federal and state agencies to implement these mandates effectively and efficiently, with the ultimate goal of sustaining of the Nation's fishery resources.

Comments, questions, and suggested revisions may be directed to Rickey Ruebsamen (EFH Coordinator), 9721 Executive Center Drive, N. St. Petersburg, FL 33702; phone: 727/570-5317; email: ric.ruebsamen@noaa.gov.

**Appendix 1. Selected Text from the Magnuson-Stevens Fishery Conservation and Management Act**  
(As Amended Through October 11, 1996)

16 U.S.C. 1855

**SEC. 305. OTHER REQUIREMENTS AND AUTHORITY**  
104-297

**(b) FISH HABITAT.**

(1) (A) The Secretary shall, within 6 months of the date of enactment of the Sustainable Fisheries Act, establish by regulation guidelines to assist the Councils in the description and identification of essential fish habitat in fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat. The Secretary shall set forth a schedule for the amendment of fishery management plans to include the identification of essential fish habitat and for the review and updating of such identifications based on new scientific evidence or other relevant information.

(B) The Secretary, in consultation with participants in the fishery, shall provide each Council with recommendations and information regarding each fishery under that Council's authority to assist it in the identification of essential fish habitat, the adverse impacts on that habitat, and the actions that should be considered to ensure the conservation and enhancement of that habitat.

(C) The Secretary shall review programs administered by the Department of Commerce and ensure that any relevant programs further the conservation and enhancement of essential fish habitat.

(D) The Secretary shall coordinate with and provide information to other Federal agencies to further the conservation and enhancement of essential fish habitat.

(2) Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.

(3) Each Council--

(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and

(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.

(4) (A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.

(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.

## Appendix 2. Fishery Management Plans and Managed Species for the Gulf of Mexico.

### GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

#### Shrimp Fishery Management Plan

brown shrimp - *Farfantepenaeus aztecus*  
pink shrimp - *F. duorarum*  
royal red shrimp - *Pleoticus robustus*  
white shrimp - *Litopenaeus setiferus*

#### Red Drum Fishery Management Plan

red drum - *Sciaenops ocellatus*

#### Reef Fish Fishery Management Plan

black grouper - *Mycteroperca bonaci*  
gag grouper - *M. microlepis*  
gray snapper - *Lutjanus griseus*  
gray triggerfish - *Balistes capricus*  
greater amberjack - *Seriola dumerili*  
lane snapper - *L. synagris*  
lesser amberjack - *S. fasciata*  
red grouper - *Epinephelus morio*  
red snapper - *L. campechanus*  
scamp grouper - *M. phenax*  
tilefish - *Lopholatilus chamaeleonticeps*  
yellowtail snapper - *Ocyurus chrysurus*  
vermilion snapper - *Rhomboplites aurorubens*

#### Stone Crab Fishery Management Plan

stone crab - *Menippe spp.*

#### Spiny Lobster Fishery Management Plan

spiny lobster - *Panulirus argus*

#### Coral and Coral Reef Fishery Management Plan

varied coral species and coral reef communities comprised of several hundred species

#### Coastal Migratory Pelagic Fishery Management Plan

bluefish - *Pomatomus saltatrix*  
dolphin - *Coryphaena hippurus*  
cobia - *Rachycentron canadum*  
king mackerel - *Scomberomorus cavalla*  
little tunny - *Euthynnus alleteratus*  
Spanish mackerel - *S. maculatus*

### Appendix 3. Species Managed under Federally-Implemented Fishery Management Plans.

#### NATIONAL MARINE FISHERIES SERVICE

##### Billfish

blue marlin - *Makaira nigricans*  
longbill spearfish - *Tetrapturus pfluegeri*  
sailfish - *Istiophorus platypterus*  
white marlin - *T. albidus*

##### Swordfish

swordfish - *Xiphias gladius*

##### Tuna

albacore - *Thunnus alalunga*  
Atlantic bigeye - *T. obesus*  
Atlantic yellowfin - *T. albacares*  
skipjack - *Katsuwonus pelamis*  
western Atlantic bluefin - *T. thynnus*

##### Sharks

Atlantic angel shark - *Squatina dumerili*  
Atlantic sharpnose shark - *Rhizoprionodon  
terraenovae*  
basking shark - *Cetorhinus maximus*  
bigeye sand tiger - *Odontaspis noronhai*  
bigeye sixgill shark - *Hexanchus vitulus*  
bigeye thresher shark - *Alopias superciliosus*  
bignose shark - *Carcharhinus altimus*  
blacknose shark - *C. acronotus*  
blacktip shark - *C. limbatus*  
blue shark - *Prionace glauca*  
bonnethead - *Sphyrna tiburo*  
bull shark - *C. leucas*

##### Sharks (cont.)

Caribbean reef shark - *C. perezii*  
Caribbean sharpnose shark - *R. porosus*  
common thresher shark - *A. vulpinus*  
dusky shark - *C. obscurus*  
finetooth shark - *C. isodon*  
Galapagos shark - *C. galapagensis*  
great hammerhead - *S. mokarran*  
lemon shark - *Negaprion brevirostris*  
longfin mako shark - *Isurus paucus*  
narrowtooth shark - *C. brachyurus*  
night shark - *C. signatus*  
nurse shark - *Ginglymostoma cirratum*  
oceanic whitetip shark - *C. longimanus*  
porbeagle shark - *Lamna nasus*  
sandbar shark - *C. plumbeus*  
sand tiger shark - *O. taurus*  
scalloped hammerhead - *S. lewini*  
sharpnose sevengill shark - *Heptanchias  
perlo*  
shortfin mako shark - *I. oxyrinchus*  
silky shark - *C. falciformis*  
sixgill shark - *H. griseus*  
smalltail shark - *C. porosus*  
smooth hammerhead - *S. zygaena*  
spinner shark - *C. brevipinna*  
Tiger shark - *Galeocerdo cuvieri*  
whale shark - *Rhinocodon typus*  
white shark - *Carcharodon carcharias*

**Appendix 4. Essential Fish Habitat Identified in Fishery Management Plan Amendment of the Gulf of Mexico Fishery Management Council. (Generally, EFH for species managed under the NMFS Billfish and Highly Migratory Species plans falls within the marine and estuarine water column habitats designated by the Council)**

Estuarine areas

Estuarine emergent wetlands  
Mangrove wetlands  
Submerged aquatic vegetation  
Algal flats  
Mud, sand, shell, and rock substrates  
Estuarine water column

Marine areas

Water column  
Vegetated bottoms  
Non-vegetated bottoms  
Live bottoms  
Coral reefs  
Artificial reefs  
Geologic features  
Continental Shelf features  
West Florida Shelf  
Mississippi/Alabama Shelf  
Louisiana/Texas Shelf  
South Texas Shelf

**Appendix 5. Geographically Defined Habitat Areas of Particular Concern Identified in Fishery Management Plan Amendment of the Gulf of Mexico Fishery Management Council.**

Florida

Apalachicola National Estuarine Research Reserve

Dry Tortugas (Fort Jefferson National Monument)

Florida Keys National Marine Sanctuary

Florida Middle Grounds

Rookery Bay National Estuarine Research Reserve

Alabama

Weeks Bay National Estuarine Research Reserve

Texas/Louisiana

Flower Garden Banks National Marine Sanctuary

Mississippi

Grand Bay

**Appendix 6 Summary of EFH Requirements for Species Managed by the Gulf of Mexico Fishery Management Council (\* indicates species with EFH in Louisiana coastal wetlands).**

<u>Species</u>	<u>Life Stage</u>	<u>Ecotype</u>	<u>EFH</u>
Brown shrimp* Greatest abundance from Apalachicola Bay to Mexico	eggs	Marine (M)	<110 m, demersal
	larvae	M	<110 m, planktonic
	postlarvae/juvenile	Estuarine (E)	marsh edge, SAV, tidal creeks, inner marsh
	subadults	E	mud bottoms, marsh edge
	adults	M	<110 m, silt sand, muddy sand
White shrimp* Greatest abundance from Suwannee River to Mexico	eggs	M	<40 m, demersal
	larvae	M	<40 m, planktonic
	postlarvae/juvenile	E	marsh edge, SAV, marsh ponds, inner marsh, oyster reefs
	subadults	E	same as above
	adults	M	<33 m, silt, soft mud
Pink shrimp* Greatest abundance in Florida	eggs	M	<65 m, demersal
	larvae	M	<65 m, planktonic
	postlarvae/juvenile	E	SAV, sand/shell substrate
	subadults	E	SAV, sand/shell substrate
	adults	M	<65 m; sand/shell substrate
Royal red shrimp Greatest abundance in NE Gulf of Mexico	adults	M	250 - 500m, terrigenous silt and silty sand & calcareous mud
Red drum* Greatest abundance from Florida through Texas	eggs	M	planktonic
	larvae	M	planktonic
	postlarvae/juvenile	M/E	SAV, estuarine mud bottoms, marsh/water interface
	subadults	E	mud bottoms, oyster reefs
	adults	M/E	Gulf of Mexico & estuarine mud bottoms, oyster reef
Red grouper Greatest abundance in eastern Gulf of Mexico (W. FL Shelf)	eggs	M	planktonic, 25 - 50 m
	juvenile	M	hard bottoms, SAV, reefs
	adults	M	reefs, ledges, outcrops
Black grouper Greatest abundance in eastern Gulf of Mexico	juvenile	M/E	FL estuaries & Gulf of Mexico
	adults	M	rocky coral reefs to 150 m
Gag grouper Greatest abundance in eastern Gulf of Mexico	eggs	M	planktonic
	juvenile	M/E	SAV & oyster beds in coastal lagoons and estuaries
	adults	M	hard bottoms, reefs, coral; 10 - 100 m
Scamp Greatest abundance in eastern Gulf of Mexico	juvenile	M	hard bottoms, reefs; 12 - 33 m
	adults	M	hard bottoms; 12 - 189 m

**Appendix 6 Continued.**

<u>Species</u>	<u>Life Stage</u>	<u>Ecotype</u>	<u>EFH</u>
Red snapper			
Greatest abundance from Florida through Texas	larvae	M	structure, sand/mud; 17-183 m
	postlarvae/juvenile	M	structure, sand/mud; 17 - 183 m
	adults	M	reefs, rock outcrops, gravel; 7 - 146 m
Vermilion snapper			
Greatest abundance from Florida through Texas	juvenile	M	reefs, hard bottom, 20 - 200 m
Gray snapper*			
Greatest abundance in eastern Gulf of Mexico	larvae	M	planktonic
	postlarvae/juvenile	E	SAV, mangrove, mud
	adults	M/E	SAV, mangrove, sand, mud
Yellowtail snapper			
Greatest abundance in eastern Gulf of Mexico	juvenile	M/E	SAV, mangrove, sand, mud
	adults	M	reefs
Lane snapper			
Greatest abundance in Florida & Texas	juvenile	M/E	SAV, mangrove, sand, mud
	adults	M	reefs, sand, 4 - 132 m
Greater amberjack			
Greatest abundance from Florida through Texas	juvenile	M	floating plants (Sargassum), debris
	adults	M	pelagic over reefs/wrecks
Lesser amberjack			
Greatest abundance from Florida through Texas	juvenile	M	floating plants (Sargassum), debris
	adults	M	oil rigs, irregular bottom features
Tilefish			
Greatest abundance from Florida through Texas	juvenile	M	burrows
	adults	M	rough bottom, 250 - 350 m
Gray triggerfish			
Greatest abundance in FL & LA/TX Shelves	eggs	M	sand
	larvae	M	floating plants (Sargassum), debris
	postlarvae/juvenile	M	floating plants (Sargassum), debris, mangrove
	adults	M	reefs, >10 m
King mackerel			
Greatest abundance in FL & LA/TX Shelves	juvenile	M	pelagic
	adults	M	pelagic
Spanish mackerel*			
Greatest abundance from Florida through Texas	larvae	M	<50 m isobath
	juvenile	M/E	offshore, beach, estuarine
	adults	M	pelagic
Cobia*			
Greatest abundance from Florida through Texas	eggs	M	pelagic
	larvae	M/E	estuarine & shelf
	postlarvae/juvenile	M	coastal & shelf
	adults	M	coastal & shelf

## Appendix 6 Continued.

<u>Species</u>	<u>Life Stage</u>	<u>Ecotype</u>	<u>EFH</u>
Dolphin			
Greatest abundance from Florida through Texas	larvae postlarvae/juvenile adults	M M M	epipelagic epipelagic epipelagic
Bluefish*			
Greatest abundance from Florida through Texas	postlarvae/juvenile adults	M/E M/E	beaches, estuaries, inlets Gulf and estuaries, pelagic
Little tunny			
Greatest abundance from Florida through Texas	postlarvae/juvenile adults	M M	coastal & shelf, pelagic coastal & shelf, pelagic
Stone crab			
Greatest abundance in estuaries from Florida to Texas	larvae juvenile adults	M/E M/E M/E	planktonic, moderate-high salinity shell, SAV shell, SAV, coral
Spiny lobster			
Greatest abundance in eastern Gulf of Mexico	larvae juvenile adults	M M M	algae, SAV sponge, coral hard bottoms, crevices
Coral			
Flower Gardens FL Middle Grounds	all stages	M	

**Appendix 7. Summary of EFH Requirements for High Migratory Species Managed by the National Marine Fisheries Service.**

<u>Gulf of Mexico Species</u>	<u>Life Stage</u>	<u>EFH</u>
Offshore		
Atlantic bluefin tuna	spawning/eggs/larvae adults	Gulf-wide, 15 mi offshore to EEZ 200 m to EEZ, Terrebonne LA to Galveston TX
Atlantic skipjack tuna	spawning/eggs/larvae adults	Gulf-wide, 200 m isobath to EEZ 200 to 2000 m, Terrebonne LA to Galveston TX
Atlantic yellowfin tuna	all life stages	from 200 m isobath to EEZ
Swordfish	spawning/eggs/larvae juvenile adults	Gulf-wide, 200 m isobath to EEZ as above, except to 2000 m from 88° to 86.5° W 200 to 2000 m from Tampa to Mobile Bays; MS
Blue marlin	all stages	variable, but generally Gulf-wide 200 - 2000 m, except adults not shown E. of Choctawhatchee Bay, FL
White marlin	juvenile adult	Gulf-wide 200 - 2000 m isobath, except S of Galveston & Cape San Blas 100 m to EEZ, W of 86.5° W
Sailfish	all stages	Gulf-wide 200 to 2000 m isobath or EEZ, whichever is closer & within 5 mi of Padre Island & to 50 m in DeSoto Canyon
Silky shark	early juvenile late juvenile	DeSoto Canyon MS/AL, 200 - 2000 m isobath FL Keys -10,000 Islands, 50 - 2000 m isobath
Longfin mako shark	all life stages	FL Keys to 92.5° W, 200m isobath to EEZ
Nearshore/Inshore		
Great hammerhead shark	late juvenile adult	FL Bay and adjacent waters off FL, to 85.5° W (<100 m isobath)
Scalloped hammerhead shark	late juvenile/subadult	off MS/AL, shoreline to 50 m & FL Keys
Nurse shark	early juvenile late juvenile/adult	FL Keys <25 m as above & Charlotte Harbor to Tampa Bay, FL
Blacktip shark	early juvenile late juvenile adult	<25 m Ten Thousand Isl to Cedar Key, FL <25 m FL Keys to Cedar Key, Cape San Blas to MS delta, and Galveston to Mexico <50 m FL Bay to Cape San Blas, FL
Bull shark	juvenile adults	inlets, estuaries, coastal waters <25 m, Ten Thousand Isl. to Cedar Key, Appalachicola to Mobile, and Galveston to Mexico inlets, estuaries, coastal waters <25 m, Charlotte Harbor to Anclote Key, FL
Lemon shark	early juvenile late juvenile/adult	inlets, estuaries, coastal waters <25 m, FL Bay, Tampa Bay, and TX from 95.5° N to Mexico inlets, estuaries, coastal waters <25 m, FL Keys to Anclote Key, FL

**Appendix 7 Continued.**

<u>Gulf of Mexico Species</u> Nearshore/Inshore	<u>Life Stage</u>	<u>EFH</u>
Sandbar shark	all life stages	Key Largo to Cape San Blas, <50 m (except adults, <100 m)
Spinner shark	neonate/early juvenile	<25 m, FL Keys to 29.25° N
Tiger shark	juvenile adults	MS Sound to FL Kyes, < 100 m Cape San Blas, FL to MS Sound, 25 to 200 m isobaths
Bonnethead shark	juvenile adult	inlets, estuaries, coastal waters <25 m, FL Keys to Cedar Key; LA and TX FL Keys & Mobile Bay to S. Padre Isl. TX (<25 m)
Atlantic sharpnose shark	juvenile adults	<25 m Galveston to Mexico; <40 m MS & Atchafalaya deltas <50 m MS Sound & Galveston to Laguna Madre
Blacknose shark	juvenile adults	FL Keys to Tampa <25 m isobath FL Keys to Cedar Key <25 m; Mobile Bay to Terrebonne Parish, LA 25 to 100 m isobath

**Note:**

**Only the bull, lemon, and bonnethead sharks are reported to commonly occur and have identified EFH in estuaries of the Gulf of Mexico, as identified above.**

**No HAPCs have been designated for Highly Migratory Pelagic species in the Gulf of Mexico.**

## Appendix 8. Sources of EFH and Related Resource Information for the Gulf of Mexico.

### Fishery Management Plan Amendments

- Gulf of Mexico Fishery Management Council. 1998. Public hearing draft generic amendment for addressing Essential Fish Habitat requirements in the following fishery management plans of the Gulf of Mexico: Shrimp Fishery of the Gulf of Mexico, United States Waters; Red Drum Fishery of the Gulf of Mexico; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Spiny Lobster in the Gulf of Mexico and South Atlantic; Coral and Coral Reefs of the Gulf of Mexico (includes environmental assessment). Gulf of Mexico Fishery Management Council. Tampa, FL.
- National Marine Fisheries Service. 1999. Amendment 1 to the Atlantic billfish fishery management plan amendment. National Marine Fisheries Service. Silver Spring, MD.
- National Marine Fisheries Service. 1999. Fishery management plan for Atlantic tunas, swordfish, and sharks. National Marine Fisheries Service. Silver Spring, MD. 2 vols.

### EFH Related Web Sites

- |  |   |
|--|---|
| Gulf of Mexico FMC                                   | <a href="http://www.gulfcouncil.org">http://www.gulfcouncil.org</a>                                   |
| Gulf of Mexico EFH maps/resources                    | <a href="http://galveston.ssp.nmfs.gov/efh/">http://galveston.ssp.nmfs.gov/efh/</a>                   |
| EFH Rules  | <a href="http://www.nmfs.noaa.gov/habitat/efh">http://www.nmfs.noaa.gov/habitat/efh</a>               |
| NMFS Southeast Region                                | <a href="http://caldera.sero.nmfs.gov">http://caldera.sero.nmfs.gov</a>                               |
| Highly migratory pelagic and billfish EFH amendments | <a href="http://www.nmfs.noaa.gov/sfa/hms/Final.html">http://www.nmfs.noaa.gov/sfa/hms/Final.html</a> |

## **Appendix 9. Points of Contact for Essential Fish Habitat Activities in Louisiana.**

### National Marine Fisheries Service Southeast Region

Andreas Mager, Jr. (Assistant Regional Administrator)  
National Marine Fisheries Service  
9721 Executive Center Drive, N.  
St. Petersburg, FL 33702  
727/570-5317 [andy.mager@noaa.gov](mailto:andy.mager@noaa.gov)

Rickey Ruebsamen (EFH Coordinator)  
National Marine Fisheries Service  
9721 Executive Center Drive, N.  
St. Petersburg, FL 33702  
727/570-5317 [ric.ruebsamen@noaa.gov](mailto:ric.ruebsamen@noaa.gov)

### Local Offices

Richard Hartman (Team Leader - Louisiana)  
National Marine Fisheries Service  
c/o Louisiana State University  
Baton Rouge, LA 70803  
225/389-0508 [richard.hartman@noaa.gov](mailto:richard.hartman@noaa.gov)

### Gulf of Mexico Fishery Management Council

Executive Director  
Gulf of Mexico Fishery Management Council  
The Commons at Rivergate  
3018 U.S. Highway 301 N., Suite 1000  
Tampa, FL 33619-2266  
813/228-2815 [gulf.council@noaa.gov](mailto:gulf.council@noaa.gov)

### EFH Point of Contact

Jeff Rester  
(Gulf States Marine Fisheries Commission)  
228/875-5912 [jrester@gsmfc.org](mailto:jrester@gsmfc.org)

**COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT**

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Executive Assistant for Coastal Activities  
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**Administrator, EPA**

**Mr. Sam Becker  
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**Secretary, Department of the Interior**

**Mr. Dave Frugé  
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COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

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Secretary, Department of Commerce

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