

July 20, 2018

*Submitted via email and via [www.regulations.gov](http://www.regulations.gov)*

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**RE: Final Amendment 9 to the Fishery Management Plan for the Coral and Coral Reefs of the Gulf of Mexico, U.S. Waters, Including Draft Environmental Impact Statement  
Oil and Natural Gas Trade Associations – Joint Comments  
Docket ID: NOAA-NMFS-2017-0146**

The American Petroleum Institute (API), the Louisiana Mid-Continent Oil and Gas Association (LMOGA), the National Ocean Industries Association (NOIA), the Independent Petroleum Association of America (IPAA), the International Association of Drilling Contractors (IADC), the International Association of Geophysical Contractors (IAGC) and the Offshore Operators Committee (OOC), hereinafter referred to as the “Joint Trades”, appreciate the opportunity to provide comments on the *Fishery Management Plan (FMP) for the Coral and Coral Reef Resources of the Gulf of Mexico: Coral Habitat Areas Considered for Management in the Gulf of Mexico, including Draft Environmental Impact Statement* (hereinafter referred to as “the DEIS”). It is our understanding that this DEIS is being considered by the Gulf of Mexico Fishery Management Council (Gulf Council) in collaboration with the National Marine Fisheries Service (NMFS) Southeast Regional Office, and the DEIS is evaluating alternatives for the following seven actions involving twenty-one proposed new or expanded Habitat Areas of Particular Concern (HAPC):

	<b>Preferred Alternative Summary</b>	<b>Preferred Option Summary</b>
Action 1	Modify existing Pulley Ridge HAPC	Expansion area has bottom-tending gear prohibition, identical to existing HAPC, but with and exemption for bottom-longlines.
Action 2	New HAPC in southeastern Gulf: West Florida Wall	Prohibits bottom-tending gear including bottom-longlines and anchoring. Encompasses parts of proposed HAPCs under other alternatives, but hugs depth curve.
Action 3	6 new HAPCS in northeastern Gulf	All 6 prohibit bottom-tending gear including bottom-longlines and anchoring; Viosca Knoll includes exemption for fishermen with royal red shrimp endorsement when fishing with royal red shrimp gear.
Action 4	3 new HAPCs in northwestern Gulf	All 3 prohibit bottom-tending gear including bottom-longlines and anchoring.
Action 5	2 new HAPCs in southwestern Gulf	No prohibitions including bottom-tending gear.
Action 6	8 new deep-water HAPCs	No regulations attached; no known fishing activity, very deep sites (>984 ft).
Action 7	Dredge fishing prohibition	Prohibit dredge fishing in all existing HAPCs that have fishing regulations.

The Joints Trades understand the Gulf Council's mission is to manage fishery resources in the federal waters of the Gulf of Mexico (GOM) with the aim to achieve the greatest overall benefit to the nation by sustaining and maintaining responsible fisheries management. However, the GOM is not only a vital environmental resource for the nation, but a significant economic engine as well. Therefore, it is critically-important that direct and indirect impacts to all GOM stakeholders from Gulf Council decisions are understood and considered. It is from this perspective that we offer the comments contained herein.

**The Joint Trades**

API is a national trade association representing more than 625 member companies involved in all aspects of the oil and natural gas industry. API's members include producers, refiners, suppliers, pipeline operators, marine transporters, and service and supply companies that support all segments of the industry. API and its members are dedicated to meeting environmental requirements, while economically and safely developing and supplying energy resources for consumers. API is a longstanding supporter of offshore exploration and development and the process laid out in the Outer Continental Shelf Lands Act (OCSLA) as a means of balancing and rationalizing responsible oil and gas activities and the associated energy security and economic benefits with the protection of the environment.

Founded in 1923, LMOGA is Louisiana's longest standing trade association, exclusively representing all aspects of the oil and gas industry onshore and offshore, including exploration, production, mid-stream activities, pipeline, refining and marketing. LMOGA and our member companies are committed to safety and environmental protection.

NOIA is the only national trade association representing all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the U.S. Outer Continental Shelf (OCS). The NOIA membership comprises more than 250 companies engaged in a variety of business activities, including production, drilling, engineering, marine and air transport, offshore construction, equipment manufacture and supply, telecommunications, finance and insurance, and renewable energy.

IPAA is the leading, national upstream trade association representing oil and natural gas producers and service companies. IPAA represents thousands of independent oil and natural gas explorers, as well as the service and supply industries that support their efforts. IPAA member companies actively produce oil and natural gas from leases on federal lands, both onshore and offshore.

Since 1940, IADC has exclusively represented the worldwide oil and gas drilling industry. IADC's contract-drilling members own most of the world's land and offshore drilling units that drill the vast majority of the wells producing the planet's oil and gas. IADC's membership also includes oil-and-gas producers, and manufacturers and suppliers of oilfield equipment and services. Through conferences, training seminars, print and electronic publications, and a comprehensive network of technical publications, IADC continually fosters education and communication within the upstream petroleum industry.

IAGC is the international trade association representing the industry that provides geophysical services (geophysical data acquisition, processing and interpretation, geophysical information ownership and licensing, associated services and product providers) to the oil and natural gas industry. IAGC member companies play an integral role in the successful exploration and development of offshore hydrocarbon resources through the acquisition and processing of geophysical data.

The OOC is an offshore oil and natural gas trade association that serves as a technical advocate for companies operating on the U.S. OCS. Founded in 1948, the OOC has evolved into the principal technical representative regarding regulation of offshore oil and natural gas exploration, development, and producing operations. The OOC's member companies are responsible for approximately 99% of the oil and natural gas production from the GOM.

### **Joints Trades Comments and Recommendations**

The following comments are provided as recommendations for the DEIS and are offered without prejudice to any of our members who may have differing or opposing views.

- 1. The DEIS states that the use of "deep sea coral zone" designations is duplicative and unnecessary, however, the use of HAPCs appears to be equally unnecessary***

The DEIS recognizes that the Magnuson-Stevens Fishery Conservation and Management Act (MSA) §303(b)(2)(B) gives Fishery Management Councils discretionary authority to protect deep-sea corals from fishing as "deep sea coral zones," an action that would stand by itself, that includes protecting deep-sea corals from physical damage from fishing gear and establishing

measures to limit damage to fishing gear from interactions with deep-sea corals. Specifically, the DEIS states,

“Deep-water coral areas designated under section 303(b)(2)(B) of the Magnuson-Stevens Act are used to protect those corals from physical damage from fishing gear or to prevent loss of or damage to fishing gear from interactions with corals. However, the Council is not considering designating deep-sea coral areas under this provision because corals are already protected under the Coral FMP [Fishery Management Plan] and through existing EFH [Essential Fish Habitat] designation. Designating deep-sea coral areas would be duplicative and unnecessary. Therefore, this amendment considers actions to establish new HAPCs to better focus attention on the areas that are most in need of protection in the Gulf.”

It is difficult to understand the conclusion drawn in the paragraph above. If designating deep-sea coral areas under MSA §303(b)(2)(B) is “duplicative and unnecessary” because corals are already protected under the Coral FMP and existing Essential Fish Habitat (EFH), then one could apply similar logic to the designation of HAPCs. If the Coral FMP and existing EFH are protective of deep-sea corals, then designation of HAPCs is also duplicative and unnecessary.

The statement above from the DEIS also appears to be contradictory by saying that deep-sea coral areas are “already protected,” and continuing, saying “...new HAPCs to better focus attention on the areas that are most in need of protection...” The public and GOM stakeholders are left with the question, “are these areas in need of protection or not?”

If deep-sea coral areas are already protected, then no additional designations are necessary. However, if additional protection is warranted then all potential alternatives for increasing such protections must be evaluated, including designation as deep-sea coral areas under MSA §303(b)(2)(B) based on quantitative scientific data.

The Joint Trades question the Gulf Council and the National Oceanic and Atmospheric Administration (NOAA’s) motives in moving forward this proposal in light of existing protections for corals already in place documented above and in the DEIS and in review of recordings from early Coral Working Group conference calls. Specifically, we would like to highlight a Coral Working Group call that occurred on September 22, 2014<sup>1</sup> and have included below excerpts from the call.

Dr. Morgan Kilgour speaking on the differences between the designation of coral zones under MSA §303(b)(2)(B) versus designation as HAPCs:

“...doesn’t have the weight for consultations for NMFS...if we go through the process of designating it as a HAPC then NMFS can use that as um backing for consultations for other entities, so not just fishing, but oil and gas, I hate to throw that one out there but that’s the one that comes to mind most because of the uses in the GOM.”

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<sup>1</sup> [www.gulfcouncil.org/meetings/technical/archive](http://www.gulfcouncil.org/meetings/technical/archive), Gulf Council Public File Server (username/password = “gulfguest”), Audio file – “2014-09-22 10.08 Coral Workshop Group.wmv”, September 22, 2014.

Further, Mr. John Reed speaking on the timing and need for creating these designations:

“Leery of having a hard and fast criteria for these potential designations of HAPCs, in particular, time is crucial right now, especially for designating new sites in the eastern GOM where they’re opening up oil and gas - the time is now to do it.”

“I’m concerned that if we wait until we have enough data...we could lose sites that need protection now.”

From the onset, it would appear that the motivation of developing HAPCs in the GOM was driven by at least some measure to provide additional restrictions on the oil and gas industry.

*The Joint Trades recommend that “deep sea coral zone” designations also be considered as alternatives in the DEIS. In addition, the DEIS should describe in detail how the Gulf Council decided that the proposed areas are deserving of HAPC designations rather than deep sea coral zones.*

This type of approach would be similar to a recent Mid-Atlantic Fishery Management Council amendment considered both “discrete” and “broad” zone alternatives, which specifically focused on distinct types of gear restrictions.

## **2. The DEIS must explicitly describe how each area meets the criteria for identification as a HAPC**

As defined in 50 CFR 600.815(a)(8), identification of HAPCs must be based upon one or more of the following criteria:

- The importance of the ecological function provided by the habitat.
- The extent to which the habitat is sensitive to human-induced environmental degradation.
- Whether, and to what extent, development activities are, or will be, stressing the habitat type.
- The rarity of the habitat type.

Although 50 CFR 600.815(a)(8) does not require all four criteria to be met, it is important for the DEIS to quantitatively assess all four criteria with the best available information. The DEIS appears to rely upon a single criterion of establishing “new HAPCs to better focus attention on the areas that are in most need of protection in the Gulf.”

Evaluation of all four criteria is important for articulating the importance of additional HAPC designation in a consistent, scientifically-sound framework. At a minimum, the DEIS should clearly articulate which of the four criteria the proposed HAPC meets and why, and should draw upon resources such as empirical data, ecological theory, peer-reviewed literature, and other recognized resources.

When evaluating the HAPC criteria, the DEIS must maintain an objective, comprehensive, science-based approach. Descriptions of the abundance of coral in proposed HAPCs should be

quantitative rather than using subjective terms such as “dense mounds” or “many mounds and depressions.” How these areas differ from other areas of the GOM would be helpful toward understanding the significance of these habitats as discrete units that need heightened conservation efforts. If data is not available as a basis for scientifically-supported decisions, then the DEIS must identify the need for more data collection, describe the criticality of the data, and not draw premature conclusions based upon uninformed opinion.

*The Joint Trades recommend that the DEIS explicitly address each of the four HAPC criteria for all areas under consideration as HAPC to provide a more robust justification for designating a new HAPC.*

**3. The DEIS, or supplemental/companion documents, must include comprehensive cost-benefit analysis specific to the actions being recommended in the DEIS**

The DEIS does not include adequate analysis of economic impacts on non-fishing activities in the GOM. The Coral Amendment 9 DEIS relies on the Draft EIS for the proposed Flower Garden Banks National Marine Sanctuary (FGBNMS) expansion to address potential economic impacts to other GOM industries such as oil and gas, renewable energy, and commercial shipping. This approach is not appropriate.

Specifically, the Coral Amendment 9 DEIS states,

“The DEIS for the FGBNMS boundary expansion contains some discussions of non-fishing activities in the Gulf, such as oil and gas industry operations and commercial shipping. Although the information on non-fishing activities was collected and presented with specific reference to the FGBNMS, it also has relevance to the present document, and is hereby incorporated by reference.”

The FGBNMS proposed expansion DEIS is a separate and distinct effort that does not include the same geographic areas, nor the same alternatives as the Coral Amendment 9 DEIS. Under Executive Order 12866, NMFS must conduct a thorough cost-benefit analysis of any proposed actions identified in the Coral Amendment 9 DEIS. Specifically, Executive Order 12866 states,

“In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider.”

Similar to environmental and ecological data considered in the DEIS, cost-benefit evaluations should be comprehensive, and encompass not only costs incurred by the government to administer proposed HAPCs, but cost-benefits to the regulated industries utilizing the GOM (fishing, oil and gas, marine transportation, renewable energy, the military, etc.) and the general public.

In addition, the FGBNMS proposed expansion DEIS that is incorporated by reference contained the following flaws with regards to economic analysis:

- The amount of “passive economic use” that would be derived by the entire nation from the FGBNMS expansion is unreliable. The FGBNMS DEIS cited a figure of “...\$16.4 to \$18.3 billion over a five-year period...” (FGBNMS DEIS 5-26) This methodology used to support this amount is highly questionable, relying on a poll of 1,500 households, extrapolating the results to all U.S. households, and aggregating the results to arrive at the total.<sup>2</sup> Using this amount in decision making is even more egregious when you consider that the economic value of potential lost oil and gas resources and their associated economic values was grossly underestimated by NOAA.
- This underestimation is supported by comments on the DEIS filed by Bureau of Ocean Energy Management (BOEM) on August 5, 2016.<sup>3</sup> Even though BOEM recommended that a number of items be analyzed, and the economic impacts evaluated, including oil and natural gas resource potential, directional drilling costs, lost lease bonus bids, and cost of new pipeline routes, the DEIS did not evaluate these and other items. BOEM stated in its letter that it would perform the analyses required to help provide a true understanding of the potential impacts so that it could be included in the final Environmental Impact Statement (EIS). Unfortunately, this crucial information will come too late for stakeholders to fully analyze the merits of expanding the FGBNMS.

*The Joint Trades strongly recommend that comprehensive cost-benefit analysis for all potentially-impacted industries be included for each alternative considered in the Coral Amendment 9 DEIS.*

#### **4. Impacts on oil and natural gas development are not minor, and designation of new HAPCs is not in accordance with Executive Order 13795**

The proposal to designate additional HAPCs in the GOM raises questions of how the proposed alternatives will integrate with designations managed by other federal agencies and line offices within NOAA. For example, NOAA’s Office of National Marine Sanctuaries is currently considering alternatives for expanding the boundaries of the FGBNMS. In addition, BOEM has requirements for the avoidance and protection of biologically sensitive underwater features and areas in water depths less than 300 meters ([NTL 2009-G39](#) and [BOEM biologically sensitive areas](#)) and deep water benthic communities in water depths greater than 300 meters ([NTL 2009-G40](#)) that are mandated as part of the process for oil and natural gas exploration, development, and transportation activities. This includes any bottom disturbing activities such as pipe laying, anchor placement, and platform installation. In fact, BOEM first began to study deep water coral and chemosynthetic communities in the 1980s, as energy companies developed the technology to explore and extract oil and gas in the deep water regions of the GOM.

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<sup>2</sup> "Valuing Marine Biodiversity in the Gulf of Mexico: Evidence from the Proposed Boundary Expansion of the Flower Garden Banks National Marine Sanctuary," Stephanie F. Stefanski, Jay P. Shimshack. *Marine Resource Economics*, Jan 20, 2016. DOI: <http://dx.doi.org/10.1086/685109>

<sup>3</sup> <https://www.regulations.gov/contentStreamer?documentId=NOAA-NOS-2016-0059-1288&attachmentNumber=1&disposition=attachment&contentType=pdf>

The DEIS includes a short discussion of how BOEM regulates and manages biologically sensitive areas. However, the DEIS also concludes the following:

“The proposed alternatives would not result in the prohibition of offshore oil and gas development in the expansion area. The impacts to exploration, are identified as minor due to the fact that BOEM lease sales and the associated leasing stipulations and mitigation attached to permits already protect topographic features.”

This conclusion is not accurate. Many of the proposed HAPCs do not coincide with existing BOEM topographic feature stipulations, and therefore, would constitute new protected areas for BOEM to consider during lease sales and permits with many of the proposed areas abutting or overlapping existing leases. These areas create new requirements for both BOEM and industry to consider. For illustration, we have included a map (Appendix 1) that displays how the proposed HAPCs do not coincide with existing BOEM topographic feature stipulations

In addition, even though fishing restrictions in the proposed HAPCs do not directly affect offshore energy development, the indirect or secondary impacts of establishing such HAPCs and requiring consultation from BOEM on new lease sales and developments are downplayed and ignored. NOAA specifically states that

“Proposed development activities within HAPCs, such as energy or dredging projects, **will be more carefully scrutinized during consultations with NOAA, and may require extra study and mitigation planning compared to surrounding areas** (emphasis added)<sup>4</sup>.”

Establishment of HAPCs is not in accordance with Executive Order 13795, *Implementing and America-First Offshore Energy Strategy* (April 28, 2017). Executive Order 13795 clearly states,

“It shall be the policy of the United States to encourage energy exploration and production, including on the Outer Continental Shelf, in order to maintain the Nation’s position as a global energy leader and foster energy security and resilience for the benefit of the American people, while ensuring that any such activity is safe and environmentally responsible.”

Designation of new HAPCs does not meet the policy of encouraging energy exploration and production on the US OCS.

*The Joint Trades recommend the DEIS include a more comprehensive analysis of the potential impacts to offshore energy development, especially for the HAPCs that do not align with existing BOEM topographic feature stipulations. Further, NMFS and the Gulf Council should consider and fully describe how the DEIS alternatives integrate and/or overlap with existing regulations of other federal agencies and the current proposal by NOAA to expand the FGBNMS. Failure to do so will create unnecessary confusion with additional, and potentially conflicting, regulatory requirements that are not well understood, nor easily implemented.*

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<sup>4</sup> See, [https://www.marinecadastre.gov/SiteCollectionDocuments/SoWhat\\_HAPCs\\_final\\_template.pdf](https://www.marinecadastre.gov/SiteCollectionDocuments/SoWhat_HAPCs_final_template.pdf).

## **5. BOEM was not consulted during the preparation of the DEIS**

Further illustration of the lack of consideration of offshore energy development is found in Chapter 5 of the DEIS, *List of agencies and persons contacted*. The DEIS does not include any individuals from BOEM and does not list BOEM as one of the agencies consulted. It is difficult to understand how the DEIS can assert credible conclusions about the impacts to offshore energy development without consulting with the agency responsible for regulating offshore energy development.

*The Joint Trades request that BOEM be consulted prior to the issuance of a final EIS.*

## **6. The publication of the DEIS, the public comment period and the final action taken by the Gulf Council is disconnected and does not promote transparency**

The process that has been employed by NMFS and the Gulf Council to seek public comment on the DEIS has proved to be confusing and does not promote transparency of government. The following list describes dates and actions taken with respect to issuing the DEIS for public comment:

- **April 25, 2018** the Gulf Council issues a news release announcing that eight public hearings will be held on the DEIS. The public hearings begin on May 7, 2018 and conclude on June 5, 2018.
- **May 21, 2018** the Notice of Availability for the DEIS is published in the *Federal Register*. The Notice of Availability is published by the Environmental Protection Agency (EPA) instead of NOAA and NMFS. The *Federal Register* notice states that the public comment period closes on July 5, 2018.
- **June 22, 2018** the EPA publishes an Amended Notice of Availability for the DEIS in the *Federal Register* extending the comment period on the EIS from July 5, 2018, to July 20, 2018.
- **June 25, 2018** the Gulf Council issues a news release stating that final action was taken on Coral Amendment 9, and that the Gulf Council chose to designate 21 new areas in the GOM as HAPCs. The news release states, “The Council will transmit the Amendment to the Secretary of Commerce for approval and implementation and ask the Highly Migratory Species Division of NOAA Fisheries to implement consistent regulations.”

The sequence of events listed above raises several questions regarding the public’s opportunity to provide meaningful public comment and input. For example,

- Why was it necessary for the Gulf Council to initiate the public hearing process nearly one month in advance of the Notice of Availability publication in the *Federal Register*?
- Why was the Notice of Availability published in the *Federal Register* by the EPA but not by NOAA or NMFS? If members of the public were monitoring the Federal Register for the DEIS it could have been easily missed because the DEIS is a NOAA document, not EPA.
- Why would the Gulf Council take “final action” on Coral Amendment 9 while the public comment period on the DEIS is open? This is counter-intuitive to how most government agencies implement public comment periods for National Environmental Policy Act

(NEPA) reviews of agency action. “Final actions” are generally not taken until after the public comment period for NEPA reviews of agency action closes. By unnecessarily making its decision nearly a month before the comment period on the DEIS closed, and many weeks before a final decision on the proposed action could even be made,<sup>5</sup> the Gulf Council missed the opportunity to accept additional relevant information and risked the possibility that a different preferred action will be identified in the Final Environmental Impact Statement and the Amendment will not be accepted. In addition, the *Federal Register* Notice of Intent to prepare the DEIS (*Federal Register*, Vol. 82, No. 241, December 18, 2017) clearly stated that:

“The Council and NMFS will consider public comments received on the DEIS in developing the final environmental impact statement (FEIS), and **before the Council vote to submit Amendment 9 to NMFS for Secretarial review** and implementation under the Magnuson Stevens Act” [emphasis added].

The Joint Trades are concerned that the Council did not fulfill its public commitment from December 2017 by voting on a final action for Coral Amendment 9 while the public comment period on the DEIS was still open.

The result of this convoluted series of events and actions is a confused public. Although the Gulf Council’s “final action” includes a request to the Highly Migratory Species Division of NOAA Fisheries to implement consistent regulations (presumably the public will have another opportunity to comment on such proposed regulations in the future), the process outlined above is not transparent, and frankly, disappointing. The Gulf Council and NMFS do not appear to be working cooperatively to ensure an efficient, transparent, and logical regulatory development process.

### ***7. By proposing piecemeal regulations, NMFS and the Gulf Council underestimate the regulatory and economic impact of the proposal***

Segmenting a regulatory proposal to sidestep the administrative burden of conducting the appropriate economic analyses is akin to segmenting a project proposal to avoid the EIS requirements of the NEPA. See *Save Barton Creek Ass’n v. Fed. Highway Admin.*, 950 F.2d 1129, 1140 (5th Cir. 1992). Neither scheme is permissible, and agencies in good faith should seek to avoid, rather than exploit, statutory ambiguity to frustrate public involvement in the regulatory process and hamper due consideration of economic impacts. The review of a future “Coral Amendment 10” has already begun<sup>6</sup> which will consider additional areas that have been recommended for HAPC status. This further highlights the disparate approach taken by NMFS and the Gulf Council to create areas of additional protection not supported by best available science and that does not afford the regulated community certainty and transparency in the ultimate intent and goals of the proposals at hand. Indeed, the very act of separately proposing

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<sup>5</sup> Absent circumstances apparently not present here, a final decision on the proposed action cannot be made until August 19, 2018, pursuant to regulations implementing the National Environmental Policy Act. See 40 C.F.R. § 1506.10(b) (“No decision on the proposed action shall be made or recorded under § 1505.2 by a federal agency until the later of the following dates: (1) Ninety (90) days after publication of the notice described above in paragraph (a) of this section [by EPA] for a draft environmental impact statement. (2) Thirty (30) days after publication of the notice described above in paragraph (a) of this section for a final environmental impact statement.”).

<sup>6</sup> See, <http://gulfcouncil.org/press/2018/gulf-council-update-april-2018/>.

Coral Amendments, and estimating their economic impact individually rather than cumulatively, improperly minimizes the appearance of regulatory and economic impact.

*NMFS and the Gulf Council should withdraw this proposal and conduct an economic evaluation of the impact of both proposals once Coral Amendment 10 is finalized and then re-propose them as a single regulatory action.*

**8. The scope of the DEIS should reflect a comprehensive strategy and objectives for GOM deep-water corals**

The DEIS is an example of over-complexity and lack of transparency concerning regulatory decisions. The process of identifying, evaluating and designating deep-water coral HAPCs is confusing for those outside of NMFS and the Gulf Council. There are numerous stakeholders, including BOEM, who have interests, or benefit from the GOM. Those stakeholders need to understand the strategy and objectives for managing deep-water coral resources (and other ecological resources as well).

In addition, previous considerations and potential actions, such as Coral Amendment 7 in 2016, create the perception that a comprehensive, effective strategy for protecting and managing deep-water coral resources does not exist. It is imperative that the Gulf Council and NMFS clearly articulate what the short-term and long-term management strategy is for this important resource, and how that strategy compliments other proposed actions such as the FGBNMS expansion and any future Coral Amendments under consideration, such as Coral Amendment 10. Without a comprehensive, integrated strategy, identification of HAPCs, or other protections, results in a convoluted mixture of protected area designations that very few understand.

*The Joint Trades recommend that NMFS and the Gulf Council use the DEIS as an opportunity to “take a step back” and consider a comprehensive plan for GOM deep-water corals. The plan should be developed with input from all GOM stakeholders and be based on the best available scientific and economic information.*

The Joint Trades are strong advocates for balancing resource protection and resource development needs and consideration of multiple and compatible uses in the GOM. We understand the Gulf Council’s mission to manage fishery resources in the federal waters of the GOM with the aim to achieve the greatest overall benefit to the nation by sustaining and maintaining responsible fisheries management. However, we believe that environmental protection, safety at sea, and economic development can coexist and thrive. The GOM is proof that effective management of a national environmental resource and a significant economic and energy engine can be achieved. To maintain an effective balance of all interested parties, including the public, all potential interests must be considered in proposals. Thank you for this opportunity to provide constructive comments.

Sincerely,



Andy Radford  
Senior Policy Advisor – Offshore  
American Petroleum Institute



Lori Leblanc  
Director, Offshore Committee  
Louisiana Mid-Continent Oil and Gas Association



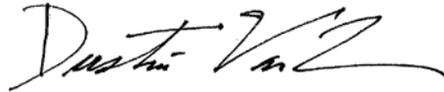
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Tim Charters  
Vice President, Government & Political Affairs  
National Ocean Industries Association



Jason McFarland  
President  
International Association of Drilling Contractors



Dustin Van Liew  
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International Association of Geophysical Contractors



Dan Naatz  
Senior Vice President of Governmental Relations & Political Affairs  
Independent Petroleum Association of America

cc: Leann Bosarge, Chair, Gulf of Mexico Fishery Management Council  
Stuart Levenbach, Chief of Staff, NOAA  
Kevin Wheeler, Deputy Chief of Staff for Policy, NOAA  
Taylor Jordan, Special Advisor, NOAA  
Brandon Elsner, Policy Advisor, NOAA  
Brian Friedieu, Fishery Management Council Liaison, NOAA  
Roy Crabtree, Regional Administrator, NOAA Fisheries Service, Southeast Regional Office  
Clay Porch, Science and Research Director, NMFS Southeast Fisheries Science Center  
B. Michael McLemore, Section Chief, NOAA General Counsel, Southeast Section

# **Appendix 1**

Map of  
Gulf of Mexico Fishery Management Council  
Proposed Deep Water Coral Habitats of Particular Concern  
Coral Amendment 9  
compared to  
BOEM No Activity Zones and Topographic Stipulation Areas

93°24'10"W

91°23'20"W

89°22'30"W

87°21'40"W

MAP INFORMATION

**Gulf of Mexico Fisheries Management Council  
Proposed Deep Water Coral Habitats of Particular  
Concern (HAPCs)  
July 2018**

-  GOM Fisheries Management Council Proposed HAPCs
-  Flower Garden Banks National Marine Sanctuary
-  FGBNMFS Sanctuary Advisory Council Expansion (2018)

**Additional Data (Source: BOEM & NOAA)**

-  Federal Protraction Areas
-  O&G Platforms
-  O&G Pipelines
-  Federal Leases
-  Shipwrecks
-  Deepsea Corals
-  Artificial Reefs

NOTES

This map has been prepared by from a variety of third party sources (ESRI, BOEM, NOAA). The map may be subject to errors of judgement and/or opinion. Information from third party sources can not be confirmed or guaranteed.

MAP SCALE

1:2,600,000



Print size: 11"x17" (ANSI B)

GEODEIC PARAMETERS

**Horizontal Coordinate Reference System**  
CRS name [ESRI]: GCS North American 1927  
CRS code [EPSG]: [4267]

Geodetic datum: North American 1927  
Projection name: Degree  
Horizontal units:

**Vertical Coordinate Reference System**  
Vertical datum: [GCS North America 1927]  
Elevation/Depth: [Depth]  
Vertical units: [Foot US]



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OFFSHORE OPERATORS COMMITTEE

93°24'10"W

91°23'20"W

89°22'30"W

87°21'40"W

28°49'10"N

26°48'20"N

28°49'10"N

26°48'20"N

