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# Sargassum & EFH

## Caribbean Fishery Management Council – December 2021

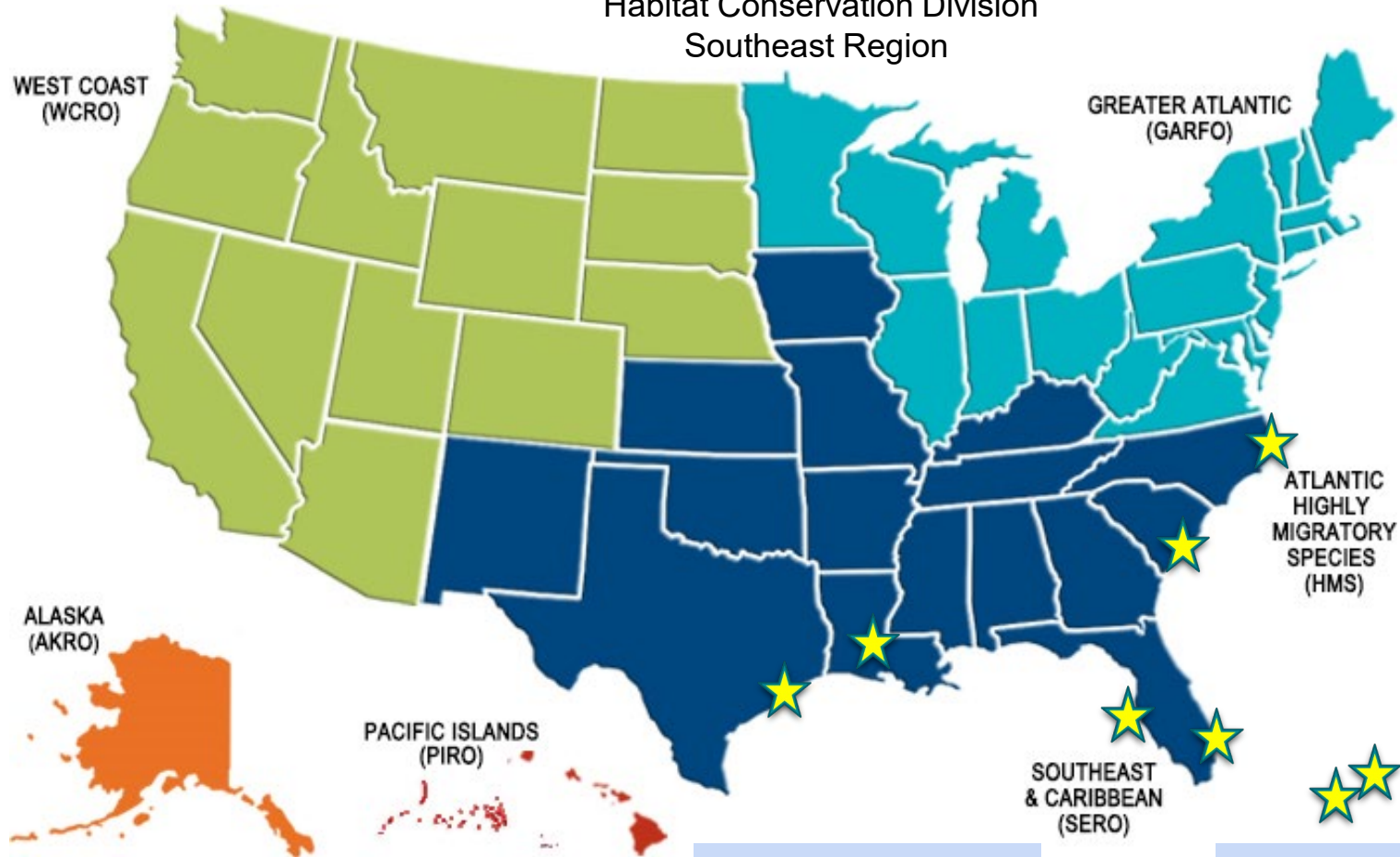
Presentation by:  
David Dale, Essential Fish Habitat Coordinator  
Southeast Region  
National Marine Fisheries Service  
Habitat Conservation Division

# Objectives

- Briefly introduce the Southeast Region's Habitat Conservation Division
- Clarify when & where Sargassum is essential fish habitat (EFH)
- Clarify when an EFH consultation is, or is not, needed
- Discuss other issues regarding Sargassum as EFH
- Respond to questions



National Marine Fisheries Service  
Habitat Conservation Division  
Southeast Region



Gulf of Mexico Branch  
Galveston (TX)  
Baton Rouge (LA, MS, AL)  
St. Petersburg (FL)

Atlantic & Caribbean  
Beaufort (NC)  
Charleston (SC & GA)  
West Palm Beach (FL)  
San Juan (PR)  
St. Croix (USVI)

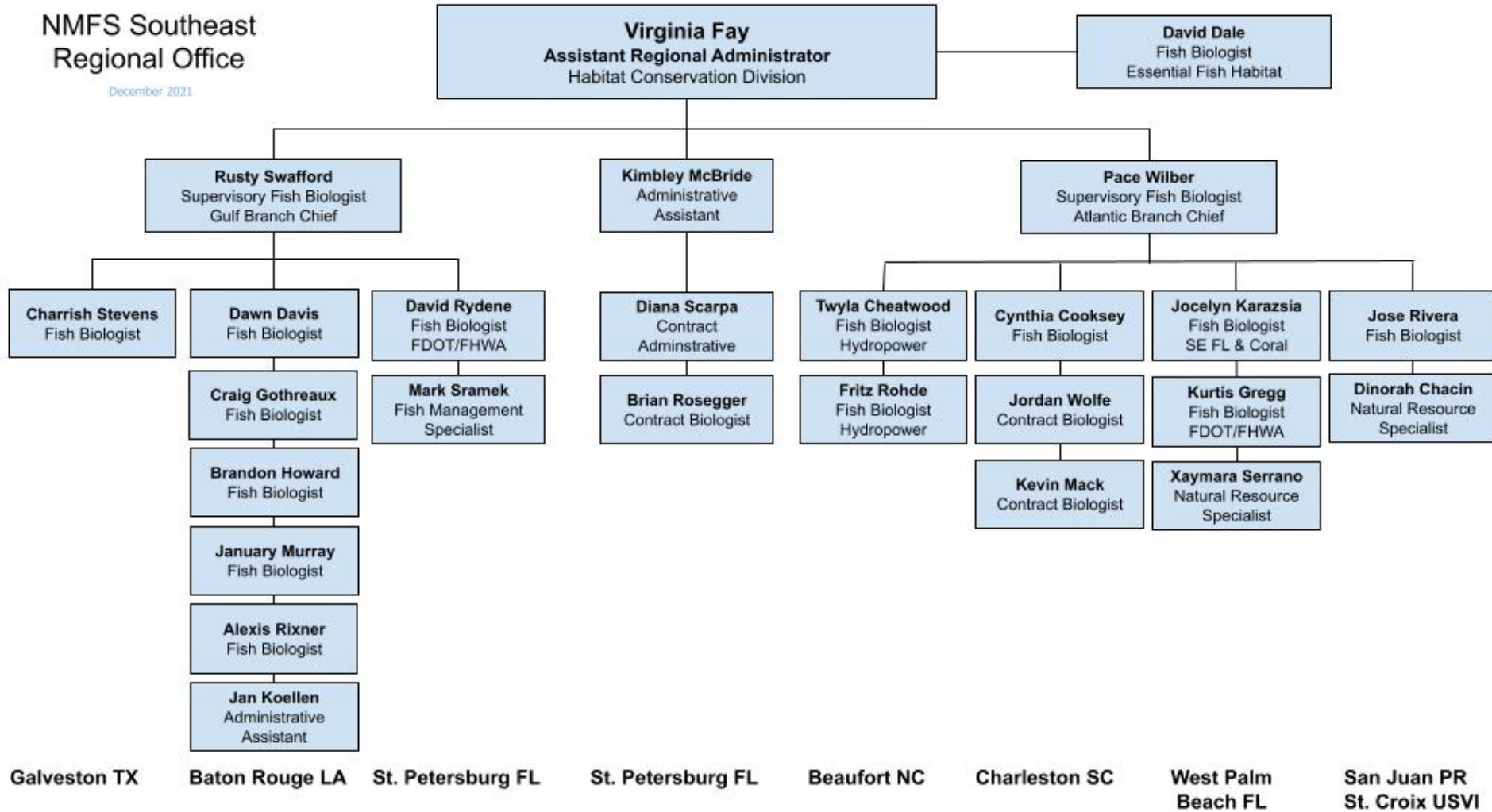


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December 2021

**Habitat Conservation Division**



# Habitat Conservation Division Priorities

## Habitat Conservation

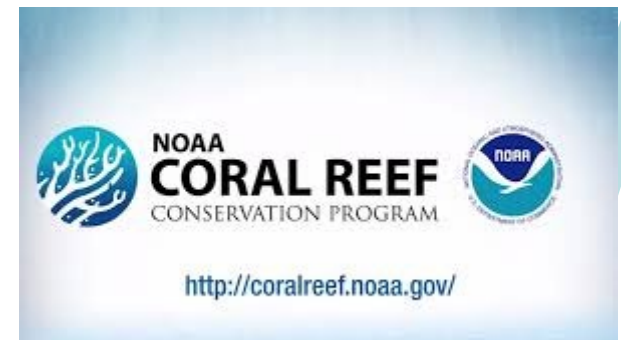
- docks/seawalls
- residential/commercial
- port/navigation
- infrastructure/energy

## Habitat Restoration

- wetland loss
- fish passage
- GOM restoration

## Partnerships

- SJBEP & CRCP



# Essential Fish Habitat (EFH) Definitions:

## Magnuson-Stevens Fishery Conservation and Management Act

**[16 U.S.C. 1802 Sec. 3(10)]**

The term “essential fish habitat” means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.

**[16 U.S.C. 1853 Sec. 303(a)(7)]**

Secretary and Councils to identify EFH

**[16 U.S.C. 1855 Sec. 305(b)]**

Federal agencies to consult regarding affects to EFH

- NMFS to minimize effects of fishing



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# Essential Fish Habitat (EFH) Definitions:

## EFH Final Rule [50 C.F.R. 600.10]

### Expands on definition of EFH:

“Waters” include 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” includes sediment, hard bottom, structures underlying the waters, and associated biological communities;

“Necessary” means 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” covers a species’ full life cycle.



# Essential Fish Habitat (EFH) Definitions:

## **EFH Final Rule [50 C.F.R. 600.810]**

“Healthy ecosystem” means an ecosystem where ecological productive capacity is maintained, diversity of the flora and fauna is preserved, and the ecosystem retains the ability to regulate itself. Such an ecosystem should be similar to comparable, undisturbed ecosystems with regard to standing crop, productivity, nutrient dynamics, trophic structure, species richness, stability, resilience, contamination levels, and the frequency of diseased organisms.



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# CFMC EFH Designations:

- Original Designations in 1998
- Revised in 2004/2005
  - EFH described using life history-habitat associations
- Reviewed in 2011/2012 & 2018/2020
- Island-based FMPs (2020)

## Highly Migratory Species (HMS):

Billfish, Tuna, Sharks

- Original Designations in 1999
- Reviewed & Revised in 2009 & 2017
  - probability boundary using point/distribution data from fishery independent surveys and research



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# CFMC EFH Designations 2004/2005:

For reef fish: EFH consists of all waters from mean high water to the outer boundary of the U.S. Caribbean EEZ (habitats used by eggs and larvae) and **all substrates from mean high water to 100 fathoms depth** (habitats used by other life stages). Identified substrates included wetlands, mangroves, seagrass, benthic algal plains, mixed submerged aquatic vegetation, **drift algae**, coral reefs, sand-shell, mud and soft bottom habitats, hard bottom habitat and rubble.



# CFMC EFH Designations IBFMP:

EFH for the gray triggerfish (*Balistes capriscus*) (Triggerfish stock complex) in the Puerto Rico FMP consists of all waters and **sargassum from mean high water to the outer boundary of the U.S. Caribbean EEZ** (habitats used by the larvae) and coral reefs and **sargassum substrates from mean high water to 100 fathoms** (habitats used by eggs (only the coral reef substrate where the nest are built) and juveniles and adults).



# So Sargassum is EFH...

- Designation does NOT prohibit harvest
- Only triggers a requirement to consult if...

**a federal agency is funding, permitting/  
licensing, or undertaking an action which  
may adversely affect EFH**

[16 U.S.C. Sec. 305(b)(2)]

- “Adverse effect” means any impact that  
reduces the quality and/or quantity of EFH.  
[50 C.F.R 600.810(a)]



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# EFH Consultation Steps [50 C.F.R. 600.920]

- Federal agency provides an EFH Assessment
- NMFS required to recommend measures that can be taken to conserve EFH (EFH CRs)  
[16 U.S.C. Sec. 305(b)(4)(A)]
  - Councils may provide CRs as well
- Federal agency is required to respond to NMFS  
[16 U.S.C. Sec. 305(b)(4)(B) & 50 CFR 600.920(k)]
  - Agency is not bound by NMFS EFH CRs but must explain, in writing, reasons for not adopting EFH CRs
  - EFH CRs provided to state/territory agencies do not trigger response requirement



# Also Sargassum Related

- South Atlantic Fishery Management Council
  - 2003 Fishery Management Plan
- U.S. Department of Energy
  - harvest & propagation for biofuels
- EFH or HAB?
  - research to explore when Sargassum biomass should be considered a harmful algal bloom (HAB)
- ESA & by-catch considerations



# Questions

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