UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

February 18, 2022

MEMORANDUM FOR: Terence Lynch, Deputy Director (Acting)
NOAA Office of Exploration and Research (OER)

FROM: Lou A. Chiarella
Assistant Regional Administrator, Habitat and Ecosystem Services

SUBJECT: Essential Fish Habitat (EFH) Consultation for deep-sea exploration activities aboard NOAA Ship *Okeanos Explorer* in 2022

This responds to your request for an abbreviated EFH consultation for the field activities to be conducted aboard the NOAA Ship *Okeanos Explorer* in the Greater Atlantic and Southeast Regions in 2022. Your request supplements a previously completed EFH consultations between NOAA Fisheries Greater Atlantic and Southeast Regions and NOAA's National Centers of Coastal Ocean Science (NCCOS) for research activities to be conducted in U.S. federal waters of the Gulf of Mexico, South Atlantic Bight and Caribbean in 2018-2020 and activities in the Greater Atlantic Region and Southeast Atlantic from 2019 to 2021. These previous consultations covered a smaller geographic area, shorter time frame, and subset of operations as this request, which intends to cover all activities to be conducted by NOAA Ship *Okeanos Explorer* in the Greater Atlantic Region, Gulf of Mexico, Caribbean and South Atlantic in 2022.

Although plans for the 2022 field seasons are still being developed and are contingent on budget, staffing and available days at sea, the 2022 fieldwork focuses on deep-water explorations off the U.S. East Coast, especially deep-water areas of the Blake Plateau and South Atlantic, Puerto Rico, U.S. Virgin Islands, and nearby Caribbean, the New England Seamount Chain, and the Mid-Atlantic Ridge in the areas north and south of Ponta Delgada in the Azores Archipelago of Portugal. Like previous expeditions in the Gulf of Mexico, western Atlantic, and Pacific, NOAA will work with the scientific community and public to characterize unknown and poorly-known areas through telepresence-based exploration including deep water mapping systems such as multibeam, single beam, sub-bottom profilers and acoustic Doppler current profiler (ADCP) sonar systems, the ship's conductivity-temperature-depth (CTD) sampling rosette and underway CTD, remotely operated vehicles (ROV), and high-bandwidth satellite connection for real-time ship to shore communications.

The action areas covered by this request encompass the marine environments in the Gulf of Mexico, Caribbean, High Seas, North Atlantic, South Atlantic, and transit areas between ports, including, but not limited to, Port Canaveral, Florida; Pascagoula, MS; Key West, FL; San Juan, Puerto Rico; Newport, Rhode Island; St. Johns, Newfoundland, Canada; Horta, Faial, Azores; and St. Thomas, U.S. Virgin Islands. All mapping, CTD and ROV operations are expected to be

in waters at depths of 200 m and greater, with the majority of cruise activities in water depths of 500 m and greater. Transit mapping operations are planned between all areas mentioned, including the high seas.

As specified in the Magnuson Stevens Fishery Conservation and Management Act (MSA), EFH consultation is required for federal actions that may adversely affect EFH. The Greater Atlantic and Southeast Regions have reviewed information provided on the proposed activities as well as the protective measures and best management practices incorporated into the action. In our joint assessment of the overall activity including the experimental design, the nature of collection, and the scope of the proposed activities, we have no additional EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the MSA. Further EFH consultation on this action is not necessary unless future modifications are proposed and that you determined those actions may result in an adverse impact to EFH.

Be advised that the harvest and possession of coral is prohibited under the current fishing regulations in the Gulf of Mexico, South Atlantic and Caribbean. Although the nature of work conducted as part of the *Okeanos Explorer* field activities is not considered a regulated fishing activity under the MSA, NOAA OER may wish to contact the Southeast Region's Sustainable Fisheries Divisions to determined if a Letter of Acknowledgement (LOA) for scientific research activities is advised. LOAs are issued by NOAA Fisheries under the authority of the MSA in situations where research activities would normally be in violation of federal fisheries regulations. By issuing the LOA, NOAA Fisheries acknowledges that the activities proposed are scientific research and are therefore exempt from fishing regulations developed under the MSA. Additional information on scientific research and exempted permits can be found on the Southeast Region's Sustainable Fisheries Division website. In the Greater Atlantic Region, there is a prohibition on the use of certain types of bottom tending gear within the Frank R. Lautenberg Deep Sea Coral Protection Area and the Georges Bank Deep Sea Coral Protection Area. The biological collection methods planned as part of the field studies do not appear to conflict with these gear prohibitions, however, OER may wish to contact the Greater Atlantic Region's Sustainable Fisheries Division to determine if an LOA or Scientific Collection Permit is warranted. Additional information on scientific research and exempted permits can be found on the Greater Atlantic Region's Sustainable Fisheries Division website.

If we can be of further assistance regarding EFH please contact Karen.Greene@noaa.gov in the Greater Atlantic Region or David.Dale@noaa.gov in the Southeast Region.

cc: GAR/HESD- K. Greene
SERO/HCD - P. Wilber, D. Dale
NOAA OER – A Maxon