



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

January xx, 2014

F/SER2: XX

F/SER4: DD

MEMORANDUM FOR: File

FROM: Phil Steele
ARA, Sustainable Fisheries Division

Virginia Fay
ARA, Habitat Conservation Division

SUBJECT: Review of Proposed Permit Application

[Coordinate with HCD before sending for signature.]

The Southeast Region is evaluating an application by [APPLICANT] for an Exempted Fishing Permit (EFP) to harvest certain fish and coral species managed by the [South Atlantic / Gulf of Mexico / Caribbean] Fishery Management Council (Council) to [describe purpose]. The EFP would authorize the harvest of fish and live rock off [location] which would otherwise be prohibited.

[Further describe the activities...]

As specified in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), an essential fish habitat (EFH) consultation is required for federal actions which may adversely affect EFH. The Council identified [name specific gear/method] as a fishing gear which can result in adverse impacts to benthic habitats, including those identified and described as EFH, which can be considered more than minimal and not temporary in nature. This assessment is in the [use appropriate: Council's 1998 Generic EFH Amendment and associated Habitat Plan for the South Atlantic Region / Council's 2005 Generic EFH Amendment #3 and associated Environmental Impact Statement (EIS) / Council's 2005 Sustainable Fisheries Act Amendment and associated EIS. The Council's analysis considered a variety of factors including the duration and frequency of the impact, the intensity and spatial extent of the impact, and the sensitivity of the habitat and habitat functions to impacts from the fishing gears.

As the federal action agency in this matter, the Sustainable Fisheries Division has determined the proposed activities may adversely affect EFH, however, due to [factors] any impacts to EFH are expected to be minimal. The HCD has reviewed this determination and upon considering the [design and nature of the collection / limited scope of the subject activity(ies) / the experimental design, nature of the survey] the Southeast Region, Habitat Conservation Division has no EFH conservation recommendations to provide pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act.

