



UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 1315 East-West Highway  
 Silver Spring, Maryland 20910  
 THE DIRECTOR

**JUL 20 2009**

Mr. Steve Kolian  
 6765 Corporate Boulevard, #1207  
 Baton Rouge, LA 70809

Dear Mr. Kolian:

Thank you for your letter to Senator Mary Landrieu regarding your proposal to harvest invertebrates and ornamental fish from abandoned oil and gas platforms, and to promote recreational fishing around such platforms. You intend to harvest coral, sponges, barnacles, mollusks, crabs, amphipods, sea spiders, polychaetes, and approximately 20 species of ornamental reef fish such as damselfish, angelfish, wrasses, blennies, and butterfly fish.

NOAA's National Marine Fisheries Service (NMFS) does not consider such activity aquaculture. With the exception of corals, none of these species is managed by the Gulf of Mexico Fishery Management Council or NMFS, and their harvest and sale would be allowable unless prohibited by regulations of the various states.

However, all coral harvest is prohibited except for limited amounts of octocoral. Regulations at 50 CFR 622.2 define Gulf of Mexico and South Atlantic "prohibited coral" as one or more of the following, or a part thereof:

- (1) Coral belonging to the Class Hydrozoa (fire corals and hydrocorals).
- (2) Coral belonging to the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and *Antipatharia* (black corals).
- (3) A seafan, *Gorgonia flabellum* or *G. ventalina*.
- (4) Coral in a coral reef, except for allowable octocoral.
- (5) Coral in a Habitat Area of Particular Concern, including allowable octocoral.

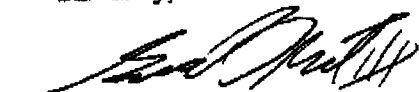
Further, in accordance with regulations at 50 CFR 622.32(b)(2), prohibited coral taken as incidental catch in the Gulf of Mexico exclusive economic zone (EEZ) must be returned immediately to the sea in the general area of fishing.

Regulations at 50 CFR 622.42(b) establish a quota for allowable octocoral of 50,000 colonies in the Gulf of Mexico and South Atlantic EEZ. "Allowable octocoral" refers to an erect, nonencrusting species of the subclass Octocorallia, except the seafans *G. flabellum* and *G. ventalina*, plus the attached substrate within 1 inch of an allowable octocoral. (Note: this same coral with attached substrate exceeding 1 inch is considered to be live rock and not allowable octocoral.)



Recreational interests may fish around platforms in the Gulf of Mexico EEZ, subject to the existing regulations regarding bag limits, size limits, and fishing seasons. Regarding the installation of mooring systems around such platforms, NMFS does not regulate mooring. I suggest you contact either the Minerals Management Service or the U.S. Army Corps of Engineers regarding these activities.

Sincerely,



James W. Balsiger, Ph.D.  
Acting Assistant Administrator  
for Fisheries

cc: Senator Mary Landrieu