

# OVERVIEW

## Protected Resources Committee Meeting

**December 3, 2013**

Hilton Wilmington Riverside  
301 North Water Street  
Wilmington, NC

The Protected Resources Committee will meet to discuss South Atlantic protected species, and receive updates on associated regulatory/management actions that the Council should be knowledgeable of when managing South Atlantic fisheries. The Committee will be briefed by SERO Protected Resources Division staff on (A) any ongoing consultations, including the formal consultation in process for Coastal Migratory Pelagics and for the Southeast Shrimp fisheries. Council staff will provide (B) an update on the Endangered Species Act (ESA) Working Group, a collaborative group made up of members of the Council Coordination Committee (CCC) and the Marine Fisheries Advisory Committee (MAFAC). The Protected Resources Committee will also be briefed on (C) the status review for American Eel. The Committee will discuss potential action for each item, provide guidance to staff, and address issues under Other Business as needed.

### **A. Ongoing Formal Consultations**

In June 2013, the Council approved a motion that stated: The Council will receive status updates from Protected Resources Division staff at each Council meeting while there are ongoing formal consultations. The intent of the motion was to allow Council members the opportunity to stay updated and provide input during the consultation process.

Currently a formal consultation is underway for the Coastal Migratory Pelagics (CMP) fishery, triggered by the listing in 2012 of the Carolina and South Atlantic distinct population segments (DPSs) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) as endangered under the ESA. Staff from the SERO Protected Resources Division will provide the Committee with an update on the consultation and record input from Committee members for consideration during the consultation. Additionally, there is an ongoing consultation for the Southeast Shrimp fisheries (including both Gulf and South Atlantic regions) to examine the effects of skimmer trawls without Turtle Excluder Devices (TEDs).

**REQUIRED COMMITTEE ACTION:** Provide input on the consultations, discuss, and take action as necessary.

### **B. ESA Working Group**

As an outcome of the 2012 annual Council Coordination Committee (CCC) meeting, a letter was sent to National Oceanic and Atmospheric Administration head Jane Lubchenco requesting the CCC and the Marine Fisheries Advisory Committee (MAFAC) establish a joint working group to make recommendations on increasing transparency and improving confidence in ESA consultations on fishery management plans. The Working Group was convened in October 2012 by NMFS to increase confidence in the science and process used for Section 7 consultations under the ESA on Magnuson-Stevens Fishery Conservation and Management Act fishery management actions. Membership included MAFAC, NMFS, and CCC members. In December 2013, the Working Group is expected to finalize the recommendations for NMFS on the ESA consultation process. Council staff will provide a briefing on the ESA Working Group progress and next steps.

**REQUIRED COMMITTEE ACTION:** Discuss and take action as necessary.

### **C. American Eel (Attachment s 1 and 2)**

In September 2011, the U.S. Fish and Wildlife Service issued a 90-day finding on a petition to list American eel (*Anguilla rostrata*) as threatened under the ESA, which concluded that sufficient information existed to conduct a status review for American Eel and issue a 12-month finding. In August 2012, The Center for Science, Accuracy, and Reliability filed a complaint against the Secretary of the Interior to compel the agency to meet the requirements of publishing the finding on the status review within 12 months. A stipulated settlement agreement was filed in April 2013 that requires USFWS to publish the finding of the status review for American Eel by September 30, 2015.

**REQUIRED COMMITTEE ACTION:** Discuss and take action as necessary.