

# **SERO, Protected Resources Division's Briefing Document for the December 2016 SAFMC Protected Resources Committee Meeting**

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## **Endangered Species Act (ESA) Listing Actions and Other Rulemaking**

### *Sea Turtle Conservation and Recovery Actions in Relation to the Southeastern United States Shrimp Fishery [No Change]*

- On March 15, 2016, NOAA Fisheries published a Notice of Intent in the Federal Register for preparation of a DEIS to reduce incidental bycatch and mortality of sea turtles in the Southeastern U.S. shrimp fisheries; the associated scoping document and FAQs are posted our SERO Protected Resources webpage:  
[http://sero.nmfs.noaa.gov/protected\\_resources/sea\\_turtle\\_protection\\_and\\_shrimp\\_fisheries/](http://sero.nmfs.noaa.gov/protected_resources/sea_turtle_protection_and_shrimp_fisheries/)
- Five public scoping meetings were held April 13-21. The comment period closed on April 29, 2016.
- The draft EIS will evaluate a range of reasonable alternatives in light of concerns regarding the effectiveness of existing turtle excluder device (TEDs). Potential new TED requirements could apply to vessels fishing in state and federal waters.
- The draft DEIS and proposed rule should be completed sometime in mid-December 2016.

### *2017 Annual Determination to Implement the Sea Turtle Observer Requirement [New]*

- On August 3, 2007, NOAA Fisheries finalized a regulation to require fishing vessels subject to U.S. jurisdiction that are identified through the AD process to take observers upon request (50 CFR 222.402(a)(4)). As specified in the regulation, the AD is published annually, and NOAA Fisheries will identify fisheries for inclusion based on the extent to which: (1) the fishery operates in the same waters and at the same times as sea turtles are present; (2) the fishery operates at the same time or prior to elevated sea turtle strandings; (3) the fishery uses a gear or technique that is known or likely to result in incidental take of sea turtles based on documented or reported takes in the same or similar fisheries; and (4) NOAA Fisheries intends to monitor the fishery and anticipates that it will have the funds to do so.
- On March 19, 2015, NOAA Fisheries published the Final 2015 AD (80 FR 14319) which identified 14 fisheries for inclusion. Once a fishery is included on the AD, it is required to carry observers upon NOAA Fisheries' request for a period of five years. Thus, these 14 fisheries will remain on the AD for a period of five years, through December 31, 2019.
- We anticipated publication of a proposed 2017 AD in December.

## **ESA Section 7-Related Actions**

### *South Atlantic Snapper Grouper Fishery ESA Section 7 Consultation [Updated]*

- On February 11, 2016, SERO Sustainable Fisheries Division requested reinitiation under Section 7(a)(2) of the ESA on the FMP for the Snapper-Grouper Fishery. A draft biological opinion is expected to be finalized prior to the December meeting.

### *Reinitiation of Additional FMP Consultations [Updated]*

- Reinitiation of Section 7 consultation on several SA and SA/Gulf of Mexico FMPs (Coastal Migratory Pelagic, Dolphin-Wahoo, Spiny Lobster FMPs) has been reinitiated and/or is needed to

address newly listed species/DPSs (e.g., Green sea turtle NA and SA DPSs, Nassau grouper). SERO is currently prioritizing completion of these and all other SERO federal fishery consultations.

## **Marine Mammal Protection Act Actions**

### *Proposed Rule for MMPA List of Fisheries (LOF) for 2017[Updated only to reflect comment period closure]*

- On August 15, 2016, NMFS published the proposed LOF for 2017.
- The MMPA requires that NMFS evaluate U.S. fisheries annually and classify each as Category I, Category II, or Category III based on the extent of mortality or serious injury of marine mammals caused by each fishery. Category I and II fisheries are required to register with NMFS to lawfully incidentally take marine mammals, carry observers if requested by NMFS, and may be subject to a Take Reduction Plan.
- NMFS proposed to add the Florida Keys stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category III Florida spiny lobster trap/pot fishery based on the location and gear description in a 2013 stranding report (Waring et al., 2016), but keep the fishery as a Category III; there are no proposed reclassifications for South Atlantic Region fisheries.
- The comment period closed on September 14, 2016. We anticipate publishing the final rule sometime in winter 2017.

### *Pelagic Longline Take Reduction Plan Proposed Rule Development*

- SERO is working in a proposed rule to update regulatory and non-regulatory requirements of the Pelagic Longline Take Reduction Plan based on consensus recommendations from the Pelagic Longline Take Reduction Team after meetings in December 2015 and September and October 2016 (recommendations can be found in the Key Outcomes Memorandums at <http://www.nmfs.noaa.gov/pr/interactions/trt/pl-trt.html>).