

SERO, Protected Resources Division's Briefing Document for the June 8, 2015 SAFMC Protected Resources Committee Meeting

Endangered Species Act (ESA) Listing Actions

Petition to List Nassau Grouper Under the ESA [Timeline update]

- NMFS published a proposed rule to list Nassau grouper as a Threatened under the ESA on September 2, 2014 (79 FR 51929). The proposed rule can be found here: http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/documents/79_fr_51929_nassau_grouper_12-month_finding.pdf
- NMFS determined listing was appropriate because spawning aggregations have been reduced in size and number due to fishing pressure and existing management measures are inadequate to protect these aggregations. The status report informing these determinations can be found here: http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/documents/biological_report.pdf
- The 120-day comment period ended on December 31, 2014. During the comment period NMFS sought information on spawning aggregations, threats to the species, and conservation efforts aimed at protecting Nassau grouper.
- We received 13 substantive comments, including the SAFMC's comments.
- We expect to publish a final determination in fall.

Atlantic Sturgeon [No change from March briefing]

- ASMFC, in cooperation with the NMFS and states, is initiating a stock assessment for Atlantic sturgeon that is anticipated to be complete in 2017.

Atlantic Sturgeon Critical Habitat [No change from March briefing document]

- NMFS has made preliminary determinations regarding Atlantic sturgeon critical habitat and is now evaluating the potential economic impacts of a critical habitat designation.
- NMFS is working with the Department of Defense and the U.S. Coast Guard to evaluate any national security impacts related to Atlantic sturgeon critical habitat designation.
- The Natural Resources Defense Council (NRDC) and the Delaware Riverkeeper Network filed a lawsuit on March 18, 2014, against NMFS for failure to designate Atlantic sturgeon critical habitat. The NRDC and NMFS developed a settlement agreement that was approved by the court on December 3, 2014. The Southeast Region and the Greater Atlantic Region must submit proposed rules designating critical habitat to the Federal Register by November 30, 2015. Final rules must be submitted to the Federal Register within 12 months of publication of the proposed rules.

North Atlantic Right Whale Critical Habitat [Updated]

- On February 20, 2015 (80 FR 9314), NMFS published a proposed rule to replace critical habitat for right whales in the North Atlantic with two new areas. The proposed rule can be found here: <https://www.federalregister.gov/articles/2015/02/20/2015-03389/endangered-and-threatened-species-critical-habitat-for-endangered-north-atlantic-right-whale>.
- The areas under consideration as critical habitat contain approximately 29,945 square nautical miles of marine habitat, and include northeast feeding areas in the Gulf of Maine/Georges Bank region and calving grounds from southern North Carolina to northern Florida.
- The comment period closed on April 21, 2015. NMFS is considering comments and hopes to publish a final rule in early 2016.

Corals [No update from March briefing document other recovery plan date]

- NMFS finalized the recovery plan for elkhorn and staghorn corals on March 5, 2015.
- On January 13, 2015, NMFS published an advanced notice of rulemaking and request of information on corals (80 FR 1616). The notice and request can be found here: <https://www.federalregister.gov/articles/2015/01/13/2015-00366/advanced-notice-of-proposed-rulemaking-and-request-for-information-for-the-issuance-of-protective>
- The notice alerts agencies that NMFS is considering proposing protective regulations for the recently listed coral species and also requests information and input to help identify actions that could impact the threatened status of the corals in addition to information about on-going conservation efforts. Five of the 20 recently listed coral species can be found in the South Atlantic region: lobed star coral (*Orbicella annularis*), mountainous star coral (*O. faveolata*), boulder star coral (*O. franksi*), pillar coral (*Dendrogyra cylindrus*), and rough cactus coral (*Mycetophyllia ferox*). These newly listed species are in addition to two species already listed as threatened: elkhorn coral (*Acropora palmata*) and staghorn coral (*A. cervicornis*). The comment period closes March 16.
- NMFS is working on steps to designate critical habitat for the five newly listed coral species. Identification of essential features and analysis of the economic impact of critical habitat designation are currently underway.

Green Sea Turtles

- On March 23, 2015 NMFS published a proposed rule to remove the current range-wide listing for green turtles and, in its place, list eight DPSs as threatened and three as endangered (80 FR 15271). Individuals from two of the DPSs, the North Atlantic (NA) and South Atlantic (SA), have the potential to occur in the Southeast Region. Both the NA and SA DPS have large have large populations sizes, increasing population trends, and share the same ESA designation of “threatened.” It is expected that any analysis of potential impacts based on the current listing status for green turtles would apply similarly to the new DPSs if listed as proposed. Therefore, no new analysis would likely be necessary upon finalization of the DPS listing.

ESA Section 7 FMP Consultations [Updated]

Coastal Pelagic Resources Fishery Management Plan Formal Consultation

- New opinion, currently in final review stages that will address all ESA listed species that may be affected and will replace the previous 2007 opinion.
- Expected to be finalized prior to June 8, 2015, Protected Resources Committee meeting

Marine Mammal Protection Act Actions

Pelagic Longline Take Reduction Team (PLTRT)[Updated]

- A December 1-3, 2015, in-person meeting of Pelagic Longline Take Reduction Team is being planned. The location is not yet firmed up, but we expect it will be in the mid-Atlantic area (perhaps Virginia Beach or Norfolk).
- A March 30, 2015 Webinar was held to prepare for the in-person meeting and provide a range of Take Reduction Plan-related updates.

Bottlenose Dolphin Take Reduction Plan and Team (BDTRP/T)

- NMFS is planning to convene the BDTRT for a webinar meeting in Summer/Fall 2015 to discuss conservation measures needed to help the BDTRP meet its mandated goals.

Atlantic Large Whale Take Reduction Plan (ALWTRP)

- Key Outcomes Memorandum from January 12-14, 2015 ALWTRT meeting are available on <http://www.greateratlantic.fisheries.noaa.gov/Protected/whaletrp/>.
- On June 1, 2015, the 2014 vertical line rule implementing minimum number of traps per trawl requirements went into effect.
- An ALWTRP amendment was published in the Federal Register on May 28, 2015 (80 FR 30367). The amendment changes the minimum number of traps per trawl to allow fishing with a single trap in certain Massachusetts and Rhode Island state waters; and modifies the requirement to use one endline on trawls within certain areas in Massachusetts state waters. Also, this rule creates a ¼ mile buffer in waters surrounding certain islands in Maine to allow fishing with a single trap. In addition, the rule requires those fishing single traps in these select waters to uniquely mark their gear beginning July 1, 2015. The rule also requires unique gear marking for trap/pots and gillnets in Jordan Basin and Jeffreys Ledge, two important habitats for right whales, beginning September 1, 2015.