

Southeast Regional Office (SERO), Protected Resources Division (PRD)
Briefing for June 2024 SAFMC Meeting

Endangered Species Act (ESA) Actions Related to Listing and Rulemaking:

Queen Conch Recovery Workshops [New]

- On February 14, 2024, NOAA Fisheries published a final rule to list queen conch (*Aliger gigas*) as threatened under the ESA (89 FR 11208). The primary threats to queen conch include overutilization through commercial and illegal fishing. Despite a multitude of fisheries management measures enacted across the species' range, populations are depleted.
- NOAA Fisheries is now developing a recovery plan for queen conch and is seeking stakeholder input. A recovery plan serves as a road map for species recovery—the plan outlines the path and tasks required to restore and secure self-sustaining wild populations. It is a non-regulatory document that describes, justifies, and schedules the research and management actions necessary to support recovery of a species.
- NOAA Fisheries recently held a series of workshops to gather stakeholder input on ways to conserve and recover this newly listed threatened species. The workshops were held on the East coast and west coast of Puerto Rico (May 7th and May 9th, respectively), in Fort Lauderdale, Florida (May 22nd), and in the U.S. Virgin Islands (May 30th).
- For more information on queen conch, please visit: <https://www.fisheries.noaa.gov/species/queen-conch/protected>

Oceanic Whitetip Shark Proposed 4(d) Rule [New]

- On May 14, 2024, NOAA Fisheries published a proposed rule to issue protective regulations under section 4(d) of the Endangered Species Act (ESA) for the conservation of the threatened oceanic whitetip shark (*Carcharhinus longimanus*) ([89 FR 41979](https://www.fisheries.noaa.gov/species/oceanic-whitetip-shark/conservation-management)). The proposed regulations would apply all of the ESA Section 9 prohibitions (pertaining to take) for endangered species to this threatened species, with limited exceptions for scientific research and law enforcement activities that contribute to the conservation of the species.
- NOAA Fisheries also announced the availability of a draft environmental assessment (EA) that analyzes the environmental impacts of promulgating these regulations.
- Comments on this proposed rule must be received by July 15, 2024.
- For additional information on conservation and management for oceanic whitetip sharks please visit: <https://www.fisheries.noaa.gov/species/oceanic-whitetip-shark/conservation-management>

Pillar Coral Up-listing Proposed Rule [No Change]

- On August 10, 2022, NOAA Fisheries published a 5-year review for seven species of Caribbean coral (<https://www.fisheries.noaa.gov/resource/document/caribbean-corals-5-year1-review>). A 5-year review is a periodic analysis of a species' status conducted to ensure that the listing classification of a species as threatened or endangered under the US Endangered Species Act of 1973 is accurate. The review evaluated information that had become available since the last status review conducted in 2014.

- NOAA Fisheries determined that the classification for pillar coral (*Dendrogyra cylindrus*) should be considered for up-listing from threatened to endangered due to loss in the northern portion of its range, the low and declining population, the susceptibility to stony coral tissue loss disease, and the rapid spread of the disease to most areas of the Caribbean.
- NOAA Fisheries published a proposed rule to change the status of pillar coral from threatened to endangered under the ESA in the Federal Register on August 29, 2023
- We held a virtual public hearing on the proposed rule on September 26, 2023.
- The 90-day public comment period closed on October 31, 2023. We are currently reviewing and considering all public comments received during the public comment period. We will consider the public comments received and any new data that may have become available to make a final decision.

Proposed Rule to Designate Marine Critical Habitat for Six Distinct Population Segments (DPSs) of Green Sea Turtles in U.S Waters [No Change]

- On July 19, 2023, NOAA Fisheries published a proposed rule to designate new areas of critical habitat and modify existing critical habitat for threatened and endangered distinct population segments (DPSs) of the green sea turtle (*Chelonia mydas*), in areas under U.S. jurisdiction, pursuant to the ESA (88 FR 46572).
- In 2016, NOAA Fisheries and the USFWS listed distinct population segments (DPSs) of green sea turtles, which triggered the requirement to designate critical habitat to the maximum extent prudent and determinable for DPSs in areas under U.S. jurisdiction.
- For the green sea turtle North Atlantic DPS, we are proposing to designate marine critical habitat in: (1) nearshore waters (from the mean high water line to 20 meters depth) off the coasts of Florida, Texas, North Carolina, and Puerto Rico.; and (2) Sargassum habitat (from 10 meters depth to the U.S. Exclusive Economic Zone) in the Gulf of Mexico and Atlantic Ocean. We are also proposing to modify designated critical habitat in the coastal waters surrounding Culebra Island, Puerto Rico; however, this critical habitat designation remains in effect during this rulemaking process.
- NOAA Fisheries and the US Fish and Wildlife Service (USFWS) share jurisdiction of sea turtles under the Endangered Species Act. The USFWS overseeing their protection and recovery on nesting beaches, and NOAA Fisheries providing oversight in the marine environment.
- The U.S. Fish and Wildlife is concurrently proposing to designate terrestrial critical habitat for green sea turtle DPSs (88 FR 46376)
- NOAA Fisheries and U.S. Fish and Wildlife hosted public hearings to receive comments on these proposed designations. The public comment period closed on October 17, 2023. We will review and incorporate public comments and submit a final rule to the Federal Register by July 19, 2024.

ESA Section 7-Related Actions and Other ESA News:

Reinitiation of Section 7 Consultation on Southeast Shrimp Fisheries Managed under the MSA in the Gulf of Mexico and South Atlantic Region [Updated]

- Reinitiation of Section 7 consultation on the authorization of the southeast shrimp fisheries managed under the MSA and implementing regulations is needed to address giant manta ray

unanticipated mortalities in shrimp trawls and new information on both giant manta rays and smalltooth sawfish.

- In December 2023, an updated population viability model for smalltooth sawfish was published: <https://www.sciencedirect.com/science/article/pii/S2351989423003803>). This new information was presented to the SAFMC Shrimp Advisory Panels (AP) in April.
- The SEFSC is working on updating bycatch estimates for giant manta ray and sawfish and a new giant manta ray population viability model and anticipates their completion by the end of July 2024.
- We anticipate completing the consultation by late-2024 or early 2025. We will continue to collaborate with, and keep updated, both the GMFMC and SAFMC during this development.

Smalltooth Sawfish Mortality Event

- Strange sawfish behavior and deaths in the lower Florida Keys since late January. Reports of smalltooth sawfish swimming erratically, thrashing in the shallows, and beaching themselves
- Affected sawfish are larger juveniles and adults, generally ranging in size from 10-14 ft.
- As of May 24, 2024, we're aware of 204 unique sawfish reports with 50 confirmed as mortalities (recovered carcasses) though we expect the total mortality to be higher.
- Cause is still under investigation but the leaching theory is a toxin or a mixture of toxins.
- Given concern over the high mortality of sawfish, NOAA and partners developed a rescue and rehabilitation effort and made the first rescue off Cudjoe Key on April 5th. After more than 20 days of rehabilitative care at Mote Marine Lab in Sarasota, the first rescued smalltooth sawfish has died.

Dolphin Wahoo FMP Consultation [Updated]

- With assistance from Council staff, SERO SFD in the role of action agency developed a draft biological assessment for the consultation on the fishery using information from Dolphin Wahoo FMP Amendment 10.
- SERO PRD has recruited a Section 7 consultation biologist from the Greater Atlantic Regional Office who is assisting with a draft of the Dolphin-Wahoo consultation. We anticipate the draft being completed this summer.

Snapper Grouper FMP Reinitiation to Address Giant Manta Rays and Smalltooth Sawfish [New]

- SERO PRD is amending the previous 2016 Opinion to evaluate the effects of the fisheries on giant manta rays and oceanic whitetip sharks. Our information suggests that (2) giant manta rays are likely to be adversely affected by the authorization of federal snapper-grouper fisheries and (2) oceanic whitetip sharks are not likely to be adversely affected.
- SERO PRD has recruited a Section 7 consultation biologist from the Greater Atlantic Regional Office who is assisting with a draft of the Snapper Grouper BiOp amendment. We anticipate the draft being completed this summer.

Marine Mammal Protection Act (MMPA) Actions and Other MMPA News-June 2024

Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule [Updated]

- The final rule to modify North Atlantic right whale vessel speed regulations is now with the White House Office of Information and Regulatory Affairs, part of the Office of Management and Budget (OMB).

North Atlantic Right Whale Unusual Mortality Event (UME) [Updated]

- Elevated North Atlantic right whale mortalities began in 2017 and triggered the declaration of an Unusual Mortality Event. From 2017 to date, there have been 139 documented dead, serious, or sublethal injuries or illnesses. The leading category for the cause of death for this UME is “human interaction,” specifically from entanglements or vessel strikes. More information can be found at: <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2023-north-atlantic-right-whale-unusual-mortality-event>

Atlantic Large Whale Take Reduction Team [Updated]

- On March 19, 2024 an Annual Team Webinar was held, additional details can be found [here](#).

Bottlenose Dolphin Take Reduction Plan [Updated]

- The Spring 2024 webinar has been postponed until Fall.
- Winter or early Spring in-person meeting currently being planned for early 2025.
- Team membership is currently being updated to replace or add additional seats in areas of the Mid-Atlantic to ensure adequate expertise and representation given dolphin bycatch trends in and around the Chesapeake Bay area.

MMPA List of Fisheries – [No Updates]

Pelagic Longline Take Reduction Plan [No updates]

Marine Mammal Stock Assessment Reports [No updates]