

SERO Protected Resources Division Briefing Document September 2020 SAFMC Webinar

Endangered Species Act (ESA) Listing and Rulemaking

Dwarf Seahorse 12-Month Finding and Listing Determination [New]

- On July 28, 2020, we announced a [12-month finding](#) and listing determination on a petition to list the dwarf seahorse (*Hippocampus zosterae*) as threatened or endangered under the ESA.
- After reviewing the best scientific and commercial data available, including the Status Review Report, we have determined the species does not warrant listing at this time.
- While the species has declined in abundance, it still occupies its historical range, and population trends indicate subpopulations are stable or increasing in most locations. We concluded that the dwarf seahorse is not currently in danger of extinction throughout all or a significant portion of its range and is not likely to become so within the foreseeable future.

Leatherback Sea Turtle 12-Month Finding and Status Review [New]

- On August 10, 2020, NMFS and USFWS, announce a [12-month finding](#) on a petition to identify the Northwest Atlantic population of the leatherback turtle as a distinct population segment (DPS) and list it as threatened under the ESA.
- In response to a petition, we completed a comprehensive status review of the species, which also constituted the 5-year review of the species, to determine potential DPSs following the Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the ESA and to perform extinction risk analyses. Based on the best scientific and commercial data available, including the Status Review Report, and after taking into account efforts made to protect the species, we concluded that seven populations would meet the discreteness and significance criteria for recognition as DPSs, including the Northwest Atlantic population. However, even if we were to list them separately, all seven DPSs would meet the definition for endangered species (i.e., they are in danger of extinction throughout all or a significant portion of their range). The species is already listed as endangered throughout its range. We determined that the listing of DPSs is not warranted, and therefore we did not propose any changes to the existing global listing.

Determination on Critical Habitat for Threatened Caribbean Corals [No Change]

- On September 10, 2014, we listed five Caribbean coral species (*Orbicella annularis*, *O. faveolata*, *O. franksi*, *Dendrogyra cylindrus*, and *Mycetophyllia ferox*) as threatened under the ESA (79 FR 53851; September 10, 2014). SERO has been working on a draft proposed rule to establish critical habitat determinations for the 5 threatened Caribbean corals. The proposed rule is under HQ review.

ESA Section 7 Related Actions and News

Dolphin Wahoo FMP Consultation [No Change]

- SERO SFD in its role as the action agency is continuing to gather data on the fishery via the developing Amendment and preparing a draft biological assessment.

Marine Mammal Protection Act (MMPA) Actions and News

Atlantic Large Whale Take Reduction Team [Updated]

- The ALWTRP proposed rule and associated DEIS has an anticipated publication date of Fall 2020. A public comment period is included.

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

- The most recent North Atlantic right whale population estimate is about 412 whales. The population has been in decline since 2010.
- Elevated North Atlantic right whale mortalities began in 2017, primarily in Canada, and triggered the declaration of an [Unusual Mortality Event](#). From 2017-2019, there were 30 mortalities and 10 serious injuries. In 2020, there have been 1 mortality of a calf by a vessel strike off New Jersey and 2 serious injuries, one notable case caused by a vessel strike to [a calf in the SE](#).

Pelagic Longline Take Reduction Plan Proposed Rule Development [Updated]

- NMFS has drafted a proposed rule and associated EA to implement the Team's recommendations from December 2015 and October 2016 Team meetings (details in the [December 2015](#) and [October 2016](#) Key Outcome Memos). The Team's consensus recommendation included removing the CHSRA and associated requirements, implementation of terminal gear in the NEC, MAB, SAB, and FEC Pelagic Longline fishing areas as well as changes to mainline length requirements in the MAB.
- Currently in clearance and publication of the proposed rule in the Federal Register is expected in Fall 2020. There will be a webinar meeting of the PLTRT during the 30-day public comment period for the proposed rule.