

OVERVIEW

Protected Resources Committee Meeting

March 4, 2014

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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, (D) the Atlantic Sturgeon stock assessment, (E) the U.S. Fish and Wildlife Service (USFWS) proposed critical habitat for loggerhead sea turtles, and (F) the USFWS proposed listing for red knot. 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 (Attachment 1)

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 2)

In September 2011, the USFWS 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. In December 2013 the Council was sent a letter notifying it of the Status Review and soliciting any information on American eels it wishes to provide, especially information generated after the last Status Review which was completed in 2007. Wilson Laney (USFWS) will brief the Committee on the status and progress of the Status Review.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

D. Atlantic Sturgeon Stock Assessment

The Atlantic States Marine Fisheries Commission began work on the 2014 benchmark stock assessment for Atlantic sturgeon (*Acipenser oxyrinchus*). The assessment will be used to evaluate the health of the stock and inform the management of this species and is expected to be completed in late 2014/early 2015. Wilson Laney (USFWS) will brief the Committee on the status and progress of the stock assessment.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

E. Critical Habitat for Loggerhead Sea Turtles (Attachment 3)

The U.S. Fish and Wildlife Service (Service) has begun the process of identifying coastal beach habitat important for the recovery of the threatened Northwest Atlantic Ocean population of loggerhead sea turtles, as directed by the Endangered Species Act (ESA). The agency has preliminarily identified portions of island and mainland coastal beaches in six states to propose as critical habitat. Wilson Laney (USFWS) will brief the Committee on the proposed critical

habitat in the South Atlantic region. Detailed information on the proposed critical habitat areas is available at http://www.nmfs.noaa.gov/pr/species/criticalhabitat_loggerhead.htm.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

F. Proposed Listing for Red Knot (Attachment 4)

In September 2013, the USFWS released a proposal to list the *rufa* red knot (*Calidris canutus rufa*), a robin-sized shorebird that annually migrates from the Canadian Arctic to southern Argentina, as a threatened species under the Endangered Species Act. The comment period on the proposed rule closed on November 29, 2013. As required by the Endangered Species Act, the Service plans to publish a separate proposed rule identifying critical habitat for the red knot before the end of 2013 and expects to make a final decision on both rules in 2014. Wilson Laney (USFWS) will brief the Committee on the proposed listing and potential actions that may affect South Atlantic fisheries.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.