

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

PROTECTED RESOURCES COMMITTEE

**DoubleTree by Hilton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 5, 2016

SUMMARY MINUTES

Committee Members:

Dr. Wilson Laney, Chair
Jessica McCawley, Vice Chair
Mel Bell

Zack Bowen
Dr. Michelle Duval
Lt. Tara Pray

Council Members:

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Anna Beckwith
Chester Brewer
Mark Brown

Tim Griner
Ben Hartig
Doug Haymans
Chris Conklin

Council Staff:

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John Carmichael
Myra Brouwer
Dr. Chip Collier
Mike Collins
Dr. Mike Errigo

John Hadley
Kim Iverson
Dr. Kari MacLauchlin
Roger Pugliese
Amber Von Harten
Kimberly Cole

Observers/Participants:

Erica Burgess
Rick DeVictor
Pat Geer
Monica Smit Brunello
Dr. Bonnie Ponwith
Tony DeLernia
Jenny Lee

Dr. Jack McGovern
Dr. Jessica Stephen
Dr. Marcel Reichert
Dale Diaz
Tracy Dunn
Patricia Bennett

Additional Observers/Participants attached.

The Protected Resources Committee of the South Atlantic Fishery Management Council convened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Monday afternoon, December 5, 2016, and was called to order by Chairman Wilson Laney.

DR. LANEY: The committee members are myself, Jessica McCawley, Mel Bell, Zack Bowen, Michelle Duval, and Lieutenant Pray. Those are the committee members. It looks like everybody is pretty much back, and so the first item of business is to Approve the Agenda. Are there any changes to the agenda? Seeing none, we will consider the agenda approved. The next item is the Approval of the September 2016 Minutes. Does anyone have any corrections or otherwise amendments to those September 2016 minutes? Seeing none and hearing none, we will consider the minutes approved. That brings us to Item 1, which is the Updated on Protected Resources, Reference Attachment 1, and Jenny Lee is going to do that for us. Jenny, we have you on the speaker.

MS. LEE: All right. Thank you very much. First up is just a reminder that we do have a sea turtle conservation and recovery action in relation to the southeastern United States shrimp fishery rulemaking in development. You can see there is no change there. We still do anticipate the Draft EIS and proposed rule sometime in the near future.

The 2017 annual determination to implement the sea turtle observer requirement, that is just something that we do annually. There's a little background there, and I won't read it to you. Again, this is just a heads-up that there might be a publication coming out pretty soon on that, and so keep an eye out.

Section 7-related news, I guess the big news is, of course, we do have a snapper grouper biological opinion that was transmitted over to the council just on Friday, and, in terms of other consultations, we've been working on reinitiating and doing some preliminary analyses related to a number of other consultations that have been reinitiated or need to be done to address newly-listed species, and so we are still looking at prioritizing completion of those as well as all of our other SERO federal fishery consultations, but not just the South Atlantic Council ones.

For Marine Mammal Protection Act actions, just a heads-up there that the proposed rule for the MMPA list of fisheries, that's just a repeat there to reflect that the comment period is not closed. The Pelagic Longline Take Reduction Plan, the proposed rule development, SERO is working on a proposed rule to update regulatory and non-regulatory requirements for the Pelagic Longline Take Reduction Plan, based on consensus recommendations from the Pelagic Longline Take Reduction Team, after meeting in December of 2015 and September and October of 2016. That's not directly related to you, but still a good action to keep an eye on, and that's it.

DR. LANEY: All right. Thank you, Jennifer. Does anyone have any questions for Jenny? I see or hear none, and so, Jenny, let's move on to Agenda Item 2, which is the Snapper Grouper Fishery Biological Opinion.

MS. LEE: Great. We completed the biological opinion. It was signed on Friday. This slide just lists the basic components of the biological opinion. I also put in some page numbers, if you have it up and are just trying to jump around, if there are particular parts that interest you. I'm not going to walk you through all of these sections. That would take too much time and be way too detailed

for your needs, but I'm just going to touch on some of them and basically just provide a real broad summary of the opinion.

Just to make sure that everyone is clear on the subject of the bi-op, the proposed action section describes the subject of the opinion, meaning the fishery as it operates and the gears it uses and detailed information on effort. Then the proposed changes to the black sea bass component of the fishery associated with Regulatory Amendment 16, and so the revised seasonal closures and the gear markings.

Here are just a few of the species that the opinion focuses on here and whose life histories, status and population dynamics, et cetera, are all reviewed in detail in the opinion, in that Section 3, Status of the Species. Since I am not going through the full opinion, I just wanted to give you sort of an overall approach of how each species analysis is organized.

For each species, we examined the types of interactions that occur when exposed and then considered factors affecting the likelihood, frequency, and severity of exposure, and then we move into evaluating and quantifying effects, based on the best available information, and so looking at the actual number of individuals that might be affected and whether those interactions are lethal and things like that.

Moving into the effects analyses for North Atlantic right whales, obviously it's the species that folks are most interested in and that the council has spent a lot of time on. You can see the black sea bass traps and pots were determined to be the only component likely to be adversely affected, their adverse effects via entanglement potential. The opinion does discuss various factors that could affect the likelihood of those entanglements, such as soak time, spatial and temporal overlap, species morphology, behavior, and life stage.

Then it moves into trying to estimate entanglements. We did this through a number of steps. I have listed some of the main ones, which is estimated the number of North Atlantic right whales anticipated to be in the Southeast in any given calving season, and so the potential numbers in our action area that would be exposed, and then estimating trap entanglement rates. We first had to look at the potential reductions under Amendment 18A, and then we looked at the potential increase in entanglement rates, due to proposed action, and, of course, we were working with Farmer et al. 2016. We used that basically as a scalar when we were trying to look at the entanglement rates.

Then we had to look at potential mortality, and so we based that on the number of serious injury or mortality events documented in those reports there, looking at those mortalities that were potentially associated with trap gear. We concluded that annual lethal takes from black sea bass trap and pot gear is between 0.02 to 0.04. That's hard to visualize, but it can be equated to one estimated lethal entanglement approximately every twenty-five to forty-two years. We did conclude that the level of incidental take, that level is very small and contributes only minimally to the overall mortality and is not reasonably expected to cause an appreciable reduction in the likelihood of both the survival and recovery of the species.

For sea turtles, we were looking at hook-and-line interactions and how they can result in entanglement and obviously hooking, trailing line, forced submergence, and also potential vessel strikes with moving vessels in the fishery. There is very little data to assess, a lot of uncertainty

in estimates, and I just wanted to make sure that I acknowledged that. Then the bottom longline analysis, as a result of lack of data, and we did have a little bit of observer information from various studies, but we don't have an observer program, and so we'll go over to the Gulf of Mexico reef fish fishery observed sea turtle capture rates to try to estimate interactions in this fishery. The vertical line estimates were based on self-reported sea turtles and, in other words, the supplementary discard data program reports, in gear targeting snapper grouper FMU species. Then you can see there the conclusions. Again, it's not likely to jeopardize, is essentially what that says.

For smalltooth sawfish, again, hook-and-line was the gear we were looking for potential adverse effects. We did a lot of querying and looking around to see what we could find. If you're not familiar with the International Sawfish Encounter Database, that has records including the Southeast Fisheries Science Center fishery observations, captures, sightings reported by the public, but only a very small number of captures are anticipated in the opinion. We based those captures on the documented hook-and-line component of the Gulf reef fish fishery, because it's very similar. Again, we basically determined that it is not likely to jeopardize.

Nassau grouper, this is the first time we're looking at this species for this fishery, as a new listed species. Hook-and-line, again, is the gear likely to adversely affect. We did take some time looking at potential factors, such as gear characteristics, fishing techniques, and spatial overlap being, of course, probably the most critical, given the limited distribution of Nassau grouper within the action area.

Ultimately, we did similar to what we do for sea turtles, which is we're just looking at what we have for interactions. We looked at the supplementary discard logbook data for discard data, and you can see some of the other sources. It's basically extrapolating out with effort directed in the snapper grouper fishery. Post-release mortality, we didn't have information, but we consulted and found that the red grouper was the most similar and an appropriate species as a proxy, and so that's listed there. Again, it's not likely to jeopardize.

You can see the incidental take statement. I just want to point out that these are in three-year periods of time, just because there is a lot of variation in years, and so that's why we tend to lump things, since it is an ongoing action. There's a little note there, with respect to hardshell turtles. That just has to do with we came up with our estimated take and then broke it down to species, and so the species were up to estimates, which is why that note is there. Nassau grouper is not prohibited at this time, as a new listed species without a 4d rule, but it is included for table tracking and reinitiation triggers.

The North Atlantic right whales, I'm not sure if you're all familiar with this, but the reason why it's not in the ITS table is because we can't lawfully issue it unless we have an incidental take authorization, and the incidental take of ESA-listed species has not been authorized under that particular section, and so that's why it's not included, but we do, of course, recognize that there is a numerical trigger for reinitiating in the opinion, which is that reinitiation will occur if greater than one North Atlantic right whale is entangled in black sea bass pot trap gear consistent with that gear over the next twenty-five-year period, and so, basically, if we hit what we thought, then we need to think about it, if it looks like it's going to be more. There also is a section in the ITS that describes the monitoring for North Atlantic right whales.

I think we have maybe eleven terms and conditions in the opinion, implementing terms and conditions. All of them fall under these two reasonable and prudent measures. There's nothing too novel here, as far as minimizing stress and increasing survival rates through best handling and then monitoring the frequency and magnitude of incidental take.

I thought I would just pull out just a few that I thought might be of particular interest, but, again, you can review the full list of them in the opinion. With respect to Nassau grouper, we said that we must examine ways to reduce mortality of Nassau grouper. I guess I'm just going to read this one. This includes, but is not limited to, examining possible modifications to fishing practices that can be adopted through changes in fishery management plan-related regulations, as well as recommended best fishing practices. It just says we must assess the potential effects. You can read it, and I don't have to read this to you, but, basically, we want to make sure that we're looking at post-release mortality and seeing if there's anything different that we should do. That's really all it boils down to.

Then here, with respect to some of these other species, we want to -- Basically, we need to review and continue to review all of our available data sources, wherever we can find information for observed or documented take of sea turtles, smalltooth sawfish, and Nassau grouper, in order to monitor incidental take.

Then the next one is, recognizing that the council will be developing its bycatch reporting amendment, we need to work with you on that to make sure to evaluate the current standardized bycatch reporting methodologies, but thinking about protected species too, basically, and then there's a note there, as part of this, that we must consider increasing the self-reporting of sea turtles, Nassau grouper, and smalltooth sawfish captures in commercial hook-and-line gear targeting snapper grouper from the current 20 percent to 100 percent. We know this is not the ideal way to look for bycatch sea turtles or other species, but, right now, it is what we're using, and so it would be good to look, as part of that effort, if there aren't going to be other ways that we're monitoring, to consider moving up that percentage coverage, just so that we're not extrapolating it out like we currently do.

I don't usually include conservation recommendations in a short presentation, but I thought this one might, again, be of potential interest. Again, these are discretionary recommendations, and so they're not requirements like the RPMs and terms and conditions, but I did want to highlight that we should promote the use of ropes with breaking strengths equal to or less than 1,700 pounds for the black sea bass trap and pot fishery. New research is suggesting that, if fisheries were to utilize ropes with that breaking strength or less, that the number of life-threatening entanglements for large whales would decrease by at least 72 percent, and so I just wanted to highlight that. I think, with the next slide, that is all that I included in my presentation, trying to give you a broad overview, but not go on forever. Hopefully that was a good balance.

DR. LANEY: Thank you, Jenny. Yes, I think that was a good balance, from my perspective. Do we have questions for Jenny on the snapper grouper bi-op? Any questions at all? I think it all was pretty straightforward, as far as I'm concerned, and I'm assuming -- I will ask one. That is, in Atlantic sturgeon, I presume that you all assumed for that species that, given that there is no little juveniles offshore that could conceivably wind up in a black sea bass pot, that that wasn't an issue at all. Is that correct, more or less?

MS. LEE: Yes, we did discount effects on Atlantic sturgeon. There's a discussion, right in the beginning of the status of the species, where we review all species in the action area and talk about which ones we think are not likely to be adversely affected, and then we move on, throughout the rest of the opinion, with the ones that we are more concerned with.

DR. LANEY: Right. I figured that was the case, although I didn't read the fine print. Any other questions? Chip has a question for you.

DR. COLLIER: Jenny, I had one question regarding Nassau grouper. I saw that the lethal take was 826, and the overall takes were around 4,000. In general, if a take is going to occur for Nassau grouper, it's likely to be around the Keys, and the expansion factor for an MRIP survey down there is going to be around 4,000. Does that mean that one MRIP interview that had a Nassau grouper could end up into re-consultation, or are you guys going to consider other ways to consider consultations for some of these MRIP interviews?

MS. LEE: I certainly would hope not, and I, off the cuff, will say that I haven't really looked into that, but I can tell you that the Nassau grouper part, we did have an in-house document that did that analysis, and so I can look at that and see if I can get back to you with a little more information, but that certainly wouldn't be the intention. It is supposed to be moving forward, and we recognize, again, the uncertainty and all the caveats and issues with that data.

DR. LANEY: Okay. Thank you. I presume you will get back to Chip, after you look into that, with a little bit more information on what the implications might be of one or more MRIP intercepts. Okay. Any other questions for Jenny on the snapper grouper biological opinion? I see or hear none, and so we will move on to the next item, which is to nominate a council member to the Large Whale Take Reduction Team. Dr. Collier.

DR. COLLIER: Thanks, Wilson. The Large Whale Take Reduction Team has a spot for a South Atlantic Fishery Management Council member. Our last council member that sat in that chair was David Cupka, and he's been off the council for a few years now, and we need to fill his seat. In case some issues come up with the Large Whale Take Reduction Team, it's always good to have a member from the South Atlantic Fishery Management Council on that team and provide some insight into how fisheries operate in the South Atlantic region.

This committee generally meets about once a year. Not every meeting is an in-person meeting, but some can be. The majority of them are through webinar, and I attached some of the previous meeting minutes, just to give you a flavor for what was included in some of the discussions for the Large Whale Take Reduction Team.

With that, I think some people that are involved with the black sea bass pot fishery are most likely to be the best representatives for this, because, generally, they're looking at the interactions with commercial gear and large whales, especially in the South Atlantic region. There is very few other interactions in the South Atlantic region with large whales, and so a commercial representative might be the most ideal representative for this, but that's just my opinion, and you can guys can go in whatever direction you would like to go.

DR. LANEY: All right. Mr. Brewer.

MR. BREWER: Does it have to be a council member, or could it be like a past council member or somebody closely connected with the council?

DR. COLLIER: Let's throw that one over to Gregg.

MR. WAUGH: It would certainly facilitate discussion when reports came back to the council if it was a council member, and, in addition, taking information to them. I don't think there's anything to rule out a prior council member, but, again, then that's going to increase your cost for having that individual attend. There might be some prep time on the front-end and then coming to a council meeting on the back-end to provide that input, but there's nothing that would preclude you all from having a past council member, not on our end, and I don't believe there would be on the NMFS side.

DR. LANEY: Thank you, Gregg. Zack.

MR. BOWEN: Thank you, Mr. Chairman. **With the information that future Dr. Collier just bestowed upon us, I make a motion, and I probably should get his approval first, and I haven't done that, but I think Mr. Charlie Phillips would be a great ambassador for the council.**

DR. LANEY: Okay. We have a motion that Charlie Phillips be our designated representative to the Large Whale Take Reduction Team. I see a second from Mr. Bell. Is there any discussion on the motion and the second? Mr. Phillips, do you want to comment to that at all?

MR. PHILLIPS: I am innocent, for a change.

DR. LANEY: Okay. We have a motion and a second to nominate Charlie to the Large Whale Take Reduction Team, and chip has covered that that entails. I think it's relatively, from a time efficiency standpoint, a relatively small involvement of time.

DR. DUVAL: This is probably a question more for Chip, but sort of what is the process in order to get a nominee from the council onto the Take Reduction Team? Is it a letter from the Council Chair to Kate Swails up in the Northeast Region or is there --

DR. COLLIER: I have emailed Kate Swails in the past, to let her know that we're going to be nominating somebody at this meeting, and she was amenable to that, and I will send a -- I will draft a letter for you to sign and then send it to her. That way, she's aware to add that person to the committee.

DR. DUVAL: So it doesn't take any other special type of confirmation sort of procedure or anything like that?

DR. COLLIER: Not that I'm aware of.

DR. LANEY: Okay. Again, we have a nomination, and we have a second. We've had some discussion, and we've determined what the process is for getting Charlie on the Large Whale Take Reduction Team. Any other discussion? **Is there any objection to the motion? Seeing none, the motion passes.** Charlie, congratulations.

That brings us to Item 4, and let me pull up -- We had the first thing is an Update on the Atlantic Sturgeon Stock Assessment, and I have an update from Executive Director Bob Beal, which I will zip through here for you. The Atlantic sturgeon benchmark assessment is moving along smoothly. It is on schedule for review in late 2017. Data have been collected from dozens of state and federal agencies and academic programs. At the July assessment workshop, the stock assessment sub-committee made considerable progress towards model development, including a custom-built acoustic tagging model, which Jared Flowers is working on, I believe, Jared with the Division of Marine Fisheries in North Carolina.

Models and analysis are being applied at the coast-wide, DPS, and river-system level, depending on the available data. Considering the current timeline, the stock assessment sub-committee decided to extend the terminal year of the assessment through 2015. The SAS will conduct a second assessment workshop February 8 through 10 at the ASMFC Arlington office, where the SAS will rigorously evaluate modeling results, ensure appropriate use of the data in the models, and determine stock status, where possible.

Some of you know, I think, or aware that Dr. Tim King, who was our premier geneticist working on the Atlantic sturgeon and identifying those individuals that had acoustic tags and classifying the to the DPS -- Prior to Tim's passing, he sent the first round of DPS and river assignment results from the tissue samples. Jared has those and has plugged that information into the custom tagging model. He has developed some very promising, although very preliminary, results.

Bob will continue to work with David Kazyak, who is the new point of contact for sturgeon genetics work at the USGS Leetown Science Center, to track down a number of samples that weren't located in the repository. They have managed to track down most of those, but the effort continues.

Although this is still very overwhelming, David has done a great job in responding to the needs of ASMFC during this time, in the aftermath of Tim's passing, and so I just wanted to let you all know that. Bob indicated that he will be here later in the week, and so, if there is any additional information that we need, he can provide that at that time, and so any questions about Atlantic sturgeon? We did provide, and I believe Chip included it in the briefing package, a couple of newly-published peer-reviewed papers on the Atlantic sturgeon populations in some of the South Atlantic rivers. One is Delaware, I think, too, and so we thought you all might have some interest in those and we put them in the briefing package for your information.

Then the second update was for red knot, and the update there is there is no news. That one is still in process, as far as critical habitat development goes, and it should be out sometime in 2017. That brings us, unless there are questions on those two -- Seeing none, that brings us to Other Business. Is there any other business for the Protected Resources Committee? Dr. Duval.

DR. DUVAL: Thank you, Wilson. I know that I've had some conversations with the North Carolina Fisheries Association, and I think they've been -- As folks know, we have a lot of sea turtle interaction issues here in North Carolina, and I think the Fisheries Association has been trying to look into different types of deterrent devices to keep sea turtles away from gillnets, specifically.

I have seen a couple of these devices. They are actually like almost like a glow stick, I guess is the non-technical term that I would use, and I think there has been some difficulty in them trying to get some permits that would allow for them to test these devices, and so David Bush, who is the biologist with the Fisheries Association, had reached out to me and asked if I would mind mentioning this, that this is nothing -- It's not a pinger. Those have been our devices that have been examined before, but, again, that's the non-technical term that I would use for it, is like a glow stick, or it's almost like a flat, credit-card-type or sized thing that would hang in the water and deter sea turtles from being able to use it, and I had advised him to talk to folks in the Regional Office about potentially getting an exempted fishing permit or something like that, whatever necessary permit there would need to be in order to look at possibly using this, and it sounds like he is running into some difficulty.

I just wanted to bring that up, and, Jack, maybe you and I can talk about that a little bit more and see if there is a direction that we could send David or have him talk to somebody that would allow for testing of something that is actually going to keep sea turtles from being entangled, and so I just wanted to bring that up.

DR. LANEY: Thanks, Michelle. Is that something that -- Jenny, are you still on the line? I guess she's gone, but I would wonder, Michelle, if that something that could be --

DR. COLLIER: She is on the line.

DR. LANEY: Okay. Thanks. Jenny, is that something that could be addressed under North Carolina's permit, current permit, is testing of something like -- I'm thinking, Michelle, maybe as a permit modification to test a device to repel sea turtles.

MS. LEE: I don't know if someone in my division has been dealing with this issue, but I know I haven't been approached, and so I would like to get -- Maybe some time between now and Full Council, if Michelle could follow-up with me a little bit, I can get some better information, but, given the nature of this, I don't want to speak off-the-cuff and just confuse people.

DR. DUVAL: Jenny, I would be happy to drop an email to you, and maybe we can find a time to chat and convey the details of what it looks like they're trying to do here.

MS. LEE: That would be great. Thank you.

DR. LANEY: I am just thinking that, if you could handle it under modification to some existing permit, that's usually a whole lot more efficient than having NCFA apply for a separate permit, but I don't know. I confess to not being an expert on those sorts of things. The action item here is Michelle and Jenny will have some follow-up discussion, and let us know what you find out. Any other business under Protected Resources? Seeing no hands and hearing no people speaking up, then we are adjourned.

(Whereupon, the meeting adjourned on December 5, 2016.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
January 11, 2017

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2016 - 2017 COMMITTEES

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2016 - 2017 COUNCIL MEMBERSHIP

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