

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

PROTECTED RESOURCES COMMITTEE

**Westin Jekyll Island
Jekyll Island, GA**

March 6, 2017

SUMMARY MINUTES

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Other Observers/Participants attached.

The Protected Resources Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, Monday morning, March 6, 2017, and was called to order by Vice Chairman Jessica McCawley.

MS. MCCAWLEY: We will call to order Protected Resources, and I will tell you who is on the committee. It's Wilson Laney, myself, Mel Bell, Zack Bowen, Michelle Duval, and Lieutenant Tara Pray. Our first order of business is Approval of the Agenda. Are there any changes or additions to the agenda? Seeing none, are there any objections to approval of the agenda? Seeing none, the agenda stands approved.

The next order of business is Approval of the December 2016 Minutes. Any additions or changes to the minutes? Any objection to approval of the minutes? Seeing none, that stands approved. The next order of business is the Update on Protected Resources, and, Chip, I believe that Jenny is on the phone to give us that.

DR. COLLIER: That's correct.

MS. MCCAWLEY: Okay.

MS. LEE: Good morning, everyone. First up on our briefing is our proposed TED rule. The update there is just that the comment period did close on February 14, 2017, and so we are now compiling all the comments and new information to determine if the final rule is warranted.

For the 2017 annual determination to implement the sea turtle observer requirements, the final annual determination did publish on December 14. It just notified everyone that there will not be additional fisheries to observe beyond what is listed on the 2015 annual determination. Ones in your region are on the list, just FYI, is the southeastern shrimp trawl, Atlantic blue crab, and the trap and pot fisheries.

Next was the final rule listing oceanic whitetip shark. On December 29, 2016, NOAA Fisheries proposed listing the oceanic whitetip as threatened under the ESA. This actually was done by our Office of Protected Resources up in Silver Spring, based on the best scientific commercial information available, including the status review report, and, after taking into account efforts being made to protect the species, we determined that the oceanic whitetip does warrant listing as threatened, and so we concluded that it's likely to become endangered throughout all or a significant portion of its range in the foreseeable future.

We are soliciting comments, and those must be submitted by March 29, 2017, and the petition, status review report, Federal Register notice, and list of references are all on the OPR website that is listed there. Following the updates, I will provide you a little information, a PowerPoint, that was done by the Office of Protected Resources.

Atlantic sturgeon critical habitat, that is next. We added this item back on the briefing list, just because the final rule is expected in late May or early June of 2017, and so I just wanted to give you a heads-up. There is nothing really to report as far as the FMP consultations. I don't really have anything new to report on it, other than that we have a whole bunch that we have reinitiated and we're working through that.

For Marine Mammal Protection Act actions and news, since you last met, we did publish the final MMPA list of fisheries. For 2017, in the final 2017 list of fisheries, we did add the Florida Keys stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category III Florida spiny lobster trap/pot fishery. That was based on location and gear description in the 2013 stranding report, but the fishery remains a Category III. That's the take-home. As you remember, there were no reclassifications for South Atlantic Region fisheries, and so really nothing there.

The pelagic longline take reduction proposed rule development, I don't have any changes to that, and so I am going to skip right over that and move to the Northeast trap and pot gear marking requirement. This item is just for your information, as I understand particularly black sea bass pot fishermen may have some questions.

Any trap or pot fished, which mainly we're talking about lobster here, in Jordan Basin overlapping the offshore trap/pot waters, and that's a 725-square-mile area, and, again, it's within the Northeast waters, and it is currently required to be marked with a color combination of purple and black.

You recall that that's the same color combination for the black sea bass pot fishery, but the size of the markings are different. In Jordan Basin, it has to have a six-inch black mark and a six-inch purple mark. The black sea bass pot fishery is now requiring a twelve-inch black mark and a twelve-inch purple mark, and so we shouldn't have any problem distinguishing the two, but someone I think had raised that, and so I wanted to point that out.

Then the last item on the list is the Bottlenose Dolphin Take Reduction Plan. This is a long ways off, but the coordinator has now scheduled an in-person meeting for the end of the year, December 5 through 7, and that will be to assess bottlenose dolphin plan progress to meet short and long-term goals for each affected stock, and that's all I have on the updates.

MS. MCCAWLEY: Thank you, Jenny. Are there any questions? There don't appear to be any questions.

MS. LEE: Great. Chip thought it might be useful to provide a little information on the oceanic whitetip shark, since, as we mentioned, this is proposed as a threatened species, and we haven't talked about it before. The status review and the proposed rule was done out of Headquarters, and so I did go ahead and Chelsea Young is actually the point of contact in the Office of Protected Resources, and she shared with me a PowerPoint that was used for briefings up in Headquarters, and so have that essentially with very little changes here that I am going to run through, just to give you some background information, should you want to comment on this.

First, just some background on how we came to propose this species as threatened. Back in September of 2015, Defenders of Wildlife were the petitioners. They submitted a petition to list the species globally or as two distinct population segments. NOAA Fisheries published a positive ninety-day finding on the global species in January of 2016, and so, in other words, we found there was enough information to warrant a full status review.

OPR convened an extinction risk analysis team in July of 2016. You can see the various members there. It was the Office of Protected Resources, Highly Migratory Species Division, the Northeast and Southeast Fisheries Science Centers, Southwest Fisheries Science Center, and the Pacific Islands Science Center. The status review report was sent for peer review in August, and we

received five peer reviews and two regional reviews. Ultimately, on December 29, OPR published the proposed rule.

The oceanic whitetip shark is a highly-migratory species of shark that is usually found offshore in the open ocean on the outer continental shelf or around oceanic islands in deep water, occurring from the surface to at least 152 meters depth. Oceanic whitetip can be found in decreasing numbers up to latitudes of 30 degrees North and 35 degrees South, with abundance decreasing with greater distance or, sorry, greater proximity to the continental shelf, with a clear preference for open ocean waters between 10 degrees South and 10 degrees North, but the species can be found in waters between 15 degrees Celsius and 28 degrees Celsius, but it exhibits a strong preference for the surface mixed layer in waters with temperatures above 20 degrees Celsius, and it's considered a surface-dwelling shark.

Here, I have just presented a summary of some of the life history parameters. As you can see, it's long-lived, and it has a late age of maturity. There's nothing too unique here. It has a lengthy gestation and low fecundity. It sounds like a shark.

I am not going to give you any really details on this slide, other than to say that these are the various regions that were looked at for what we had for population abundance information. Here, you can see some of the trends, in terms of whether it historically was declining, whether we had any evidence of historical or current declines, and you can focus in Northwest Atlantic and Gulf of Mexico there, where you can see most of the status review, with respect to that region, focuses on analyses of the pelagic longline fishery, showing some declines.

Just within our area, it's likely that the oceanic whitetip shark population in the Northwest Atlantic and the Gulf of Mexico experienced significant historic declines. However, relative abundance of oceanic whitetip shark may have stabilized in the Northwest Atlantic since 2000, and the Gulf of Mexico and the Caribbean since the late 1990s, with a significantly diminished abundance, but obviously you can see a lot of the areas have a lot of declines.

There are three primary threats that were identified, and the first is overutilization in commercial fisheries, specifically bycatch associated with large numbers being caught in the longline and purse seine fisheries, and you can see the majority of those caught are juveniles. There is relatively high at-vessel mortality rates, and particularly high mortality with purse seines. We don't know anything about post-release mortality, and then, in addition, the fin trade has been a significant threat. They are considered a preferred species, and there are some facts there that you can look at.

In addition to overutilization in commercial fisheries, we also determined that there were inadequate regulations. You can see there are recent retention bans, but that doesn't, of course, prevent capture and mortality, as you all know. Again, some of the other regulations, as far as the CITES Appendix II listing and IUU fishing and trafficking, but, all in all, we determined that we didn't think that these regulations were adequate at this time to protect the species.

Considering the foreseeable future, which is defined as the timeframe over which threats could be reliably predicted to impact the biological status, we are considering a foreseeable future of thirty years, approximately three generations for this species. We found significant historical and ongoing abundance declines in all three ocean basins. Coupled with just their slow growth, their

life history characteristics that I had mentioned, ongoing threats, and largely inadequate regulatory measures, we ended up with the proposed listing.

That is just really brief, but I wanted to introduce you to that information. The proposed rule is in the briefing book, and so you can take a look at more detail if you want to provide comment. As far as future consultation needs, the National Bycatch Report, First Edition, does have, for the Southeastern snapper grouper vertical line fishery, for 2006 to 2010, it shows a bycatch estimate of 338, but what that means at this point, who knows, and so we're just going to look into the information that we have available and see whether it warrants a consultation for this, if it's listed.

We can do conference opinions. We can do them ahead of time, before a species is listed, if we think it's going to be a big deal, but right now, like I said, this is, as we talked about, our region is more on the periphery range, or at least it's not in that core concentration area. The status review does focus heavily on pelagic longline fisheries and the purse seine fishery. It acknowledges, of course, that there is bycatch in other fisheries, and so we'll just take a look at it, but that's really all I can say at this point.

MS. MCCAWLEY: Thanks, Jenny. Are there any questions about oceanic whitetip? Ben.

MR. HARTIG: Jenny, thank you. That was a lot of work that you guys did in this whitetip work. It was all over the world, and it was an incredible piece of work, but the question I had was, on that vertical hook-and-line, that 338 number, certainly when you bring that back to us, please bring it back in over how long of a time period that was and where those occurrences occurred. That would be helpful.

The other thing that I had about whitetips, and this is probably going to be an ongoing problem for the future, is it seems like their fin-weight-to-body-weight ratio is pretty high, with those large pectoral fins, and so it's going to be really hard for countries outside of the U.S. to keep that number down, and so we'll see.

MS. LEE: Yes, and, just to clarify, that number I mentioned was the 2006 to 2010 estimate. After a quick review, I didn't see any other estimates for other time periods, and so there might not be any. Like I said, it's real preliminary, but, yes, certainly I have an informal request just to get a little more information on what is, and then we'll follow it up, as appropriate.

MR. CONKLIN: The 338, was that from observer data or is that from the discard sheets?

MS. LEE: That's why I said I just need to check on it. All I know, really, is that it was reported in our National Bycatch Report, and I am guessing that it's discard data, is what I believe it is, and I believe it's an extrapolation, and that's my guess, but I just wanted to let you know that -- Initially, when I was looking at it, I just thought that we probably can go informal with this and we probably don't have any, and so who knows? Maybe we could still do that, but it at least appears that we might have some small amount of records that we need to look into, and that's really all I'm saying. I just didn't want to surprise you and say we're definitely not doing a consultation, because there are some records out there, and we're going to look into it. It's proposed right now, and we have plenty of time.

MR. CONKLIN: Also, I just wanted to get on the record that the snapper grouper vertical line fishermen aren't required to take the shark ID class, unless you have a directed shark permit, and I am not sure about the incidental, and so there could be some stock ID issues in with those discards, and I hope that that would be taken into account as well.

MS. LEE: Yes, I'm sure it would. It is interesting in the rule. They mention that, for some reason, I guess this species is more easily identifiable. It doesn't have the same stock issues or identification issues, but that's not saying that -- I mean, that is probably from a scientific perspective and not just from someone who doesn't study sharks, and so we shall see.

MS. BOSARGE: On Slide 5, I just wondered, where you're showing the percent decline, most of the different regions have a range. On the Gulf, you had just kind of an actual hard number. Is that because you have better data in the Gulf? I am just wondering why we didn't have a range.

MS. LEE: I can follow up with you and answer that question. As I mentioned, this slide had more information than I really was prepared to talk about. This was from the Headquarters presentation, but I would be happy to follow up on that. I just left this in to give you a broad-brush look at what we had for general trends, but I will specifically state at this point that I don't know any of the particulars, other than my read-through of the rule, and I do not recall the answer to that.

MR. HEMILRIGHT: I was wondering about the slide before threats, the previous slide before the threats. The number there, the at-vessel mortality, the rate of 23 to 58 percent in longlines, is that in the U.S.? If so, where can I find that documentation of that study or the presentation that comes up with that number?

MS. LEE: That's another one that I am happy to follow up on with looking at the rule. My guess is it's not specific to the U.S. A lot of this rule and the general information here is global. I would just encourage you, if you have specific questions, really to just go to the website or look in your briefing book and look at the actual proposed rule that has the details. Like I said, if you want, I can follow up on these specific questions, but I just really wanted to introduce you to the subject and give you an idea of what's out there.

MS. MCCAWLEY: Any more questions? All right. Thank you, Jenny. I think we're going to move on to the next item, and I believe Chip is going to give us the Atlantic Sturgeon ASMFC Stock Assessment Update.

DR. COLLIER: Max Appelman sent an email to Dr. Laney, letting him know that the stock assessment committee had a very productive meeting in February. They are looking at various assessment methods, looking at all the data that they have, a trend analysis, bycatch, and total mortality estimation, data-poor modeling, stock reduction, egg per recruit analysis, and others.

Some are showing more promise than others to characterize the stock status at various spatial scales, and, if you remember, for sturgeon, it does have very different spatial scales, where they have different DPSs along the Atlantic coast. They have a Carolina, the Mid-Atlantic, and the North Atlantic. I think those are the broad ones, but, even within river systems, they have DPSs in there, or different river systems will have different DPSs.

Continuing on with some of his information, the biggest challenge to this assessment appears to be data limitations. There are a few surveys specifically designed for sturgeon, and the surveys that do encounter sturgeon are spotty across the coast, and so it's not consistent, and they don't meet the stock assessment sub-committee's criteria for use as an index of abundance.

Also, the catch and bycatch data are limited, and so, having said that, the stock assessment sub-committee members received the feedback, and they will finish the model after a couple more conference calls, and I believe those are scheduled next month and the following month, with hopeful final approval by the stock assessment sub-committee in June or July, and then potentially to the board for review in October.

MS. MCCAWLEY: Are there questions? All right. Let's move on to the Red Knot Critical Habitat Update.

DR. COLLIER: Wilson had sent out emails to other staff at U.S. Fish and Wildlife, and there is no update on red knot yet. They are continuing to work on critical habitat, and potentially we'll get an update at the next meeting.

MS. MCCAWLEY: Okay. There is also an item that's not on the agenda. I believe that there is a fact sheet about cormorants. We're trying to pull it up right now. Okay. Here is the cormorant fact sheet. If you're looking for it, it's in the Late Materials.

DR. COLLIER: This is actually a pretty interesting document. It starts off with stating that there was an EA done for cormorant done back in 2014, and that was approved. What that did was it provided the ability to have a depredation permit for aquaculture operations as well as for some natural resource agencies to give depredation permits if it's going to potentially impact other public resources. Some states were able to do that.

However, in 2016, the courts found that the EA was not sufficient. It didn't have a sufficient range of actions and alternatives in it, and so it took away those depredation permits. They are working to go through the EA process again, in order to get them back, but it does highlight the importance of doing a good EA for all of us and not just U.S. Fish and Wildlife, but that's what we go through as well. We need to have a good range of actions and alternatives when we're considering these things or regulations can be turned backwards. If there is any questions, I would be happy to try and answer them, but I am no expert on cormorants.

MS. MCCAWLEY: Any questions on the cormorants? I believe Wilson will be here later in the week, and he can probably answer those questions on the side, if people do have cormorant questions. Is there any other business to come before the Protected Resources Committee? Seeing none, this committee stands adjourned.

(Whereupon, the meeting adjourned on March 6, 2017.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
April 6, 2017

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