

OVERVIEW

Protected Resources Committee Meeting

June 13, 2013

Hutchinson Island Marriot
555 NE Ocean Boulevard
Stuart, FL

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 the following items: (A) Atlantic sturgeon; (B) Coral; (C) Right whales and the black sea bass pot fishery; (D) status review for Nassau grouper; and (E) status review for River Herring. U.S. Fish and Wildlife Service staff will (F) provide an update on the status review for American Eel and (G) the proposed designation of critical habitat for loggerhead turtles. The committee will discuss potential action for each item and provide guidance to staff. Lastly the Committee will address issues under Other Business as needed.

1) SERO Protected Resources Division Presentation (*Attachment 1*)

A. Atlantic Sturgeon (*Attachment 2*)

In February 2012, NMFS issued a final determination to list the Carolina and South Atlantic distinct population segments (DPSs) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) as endangered under the ESA, effective in April 2012. A formal consultation has been initiated for the Coastal Migratory Pelagic Fishery to assess impacts of CMP gillnets on Atlantic sturgeon.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

B. Coral (*Attachments 3a/3b*)

In December 2012, NMFS issued a proposal to list 82 coral species as threatened or endangered, including seven species found in the South Atlantic region. Additionally NMFS proposed to relist two *Acropora* species (elkhorn and staghorn coral) as endangered. The final determination will be published in November 2013. A reinitiation of a formal consultation for the spiny lobster fishery may be expected following the final determination of the listings and status changes. The formal consultation for the CMP fishery may also be affected by any new listings for coral or changes in status for *Acropora*.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

C. Right whales and the black sea bass pot fishery (*Attachment 4*)

North Atlantic right whales are likely to occur in the areas under the SAFMC's jurisdiction from approximately November 1 through April 30. Calving occurs in the winter months off the coast of the southeast United States. North Atlantic right whales are vulnerable to ship strikes and entanglement in fishing gear, and studies suggest that most of the gear is pot or trap. Compliance with Atlantic Large Whale Take Reduction Plan includes gear specifications such as use of weak links and marking requirements for line and buoys.

Interactions with right whales could occur for the black sea bass pot fishery, although at this time there are no documented interactions between the black sea bass pot sector and large whales. Black sea bass pots must be in compliance with the ALWTRP gear specifications. The proposed closure in Snapper Grouper Regulatory Amendment 19 of November 1 through April will further reduce the potential risk to protected species as this is the calving season for right whales in the South Atlantic. In addition, the potential risk to protected species has likely been reduced with implementation of Amendment 18A to the Snapper Grouper FMP, which established 32 black sea bass pot endorsements, limited the number of pots that can be fished to 35, and required that pots be returned to shore at the conclusion of a trip. NMFS' biological opinion on the continued operation of the South Atlantic snapper grouper fishery determined the possible adverse effects resulting from the fishery are extremely unlikely.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

D. Status review of Nassau grouper (Attachment 5)

In October 2012 NMFS published a 90-day finding in response to a petition to list Nassau grouper under the ESA. NMFS deemed that there was sufficient information to initiate a status review of the species, which is a comprehensive assessment of a species' biological status and threats. The status review will be peer reviewed and is the scientific basis for NMFS' determination whether or not a species warrants listing under the Endangered Species Act. Any scientific or commercial information the public submits within the comment period is considered in the status review. If NMFS determines that the species should be listed as endangered or threatened, a proposed rule will be published, followed by a possible final rule with the listing of the species.

Nassau grouper has been under a harvest moratorium since 1992 due to concerns of overexploitation and the current ACL in the South Atlantic and the Gulf of Mexico is zero. Snapper Grouper Amendment 27 includes a proposed action to extend the South Atlantic's jurisdiction of Nassau grouper into the Gulf of Mexico because Nassau grouper is not in the Gulf of Mexico Reef Fish FMP.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

E. Status review of River Herring (Attachment 6)

In November 2011 NMFS published the 90-day finding of a petition to list alewife (*Alosa pseudoharengus*) and blueback herring (*A. aestivalis*), collectively referred to as river herring, as threatened under the ESA. In May-July 2012, the NMFS Northeast Regional Office conducted a series of workshops to gather more information on the status of alewife and blueback herring, collectively known as river herring, in the Northeast. NMFS has been working closely with the Atlantic States Marine Fisheries Commission (ASMFC) to use information contained in their river herring stock assessment (May, 2012) and the best available information to help make a

determination as to whether these species should be listed under the Endangered Species Act. NMFS has not published the 12-month finding of the status review at this time.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

2) Additional Briefings

F. Status review of American Eel (Attachments 7a/7b)

In September 2011, the U.S. Fish and Wildlife Service 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.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.

G. Designation of Critical Habitat for Loggerhead Turtles (Attachment 8)

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, and is seeking public comment on the proposed rule published in March 2013. The proposed critical habitat areas include 90 nesting beaches in coastal counties located in North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi. The proposed areas incorporate about 740 beach shoreline miles and account for approximately 84 percent of the documented nesting (numbers of nests) within these six states.

REQUIRED COMMITTEE ACTION: Discuss and take action as necessary.