

# REVISED OVERVIEW

## Protected Resources Committee Meeting

**September 15, 2014**

Charleston Marriott  
170 Lockwood Boulevard  
Charleston, SC

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. Protected Resource Division (PRD) staff will present (A) an overview of the final determination for Endangered Species Act (ESA) listings for coral and (B) brief the Committee on the proposed listing for Nassau grouper. The Protected Resources Committee will also be briefed on (C) the status review for American Eel and (D) the Atlantic Sturgeon stock assessment. Last, the Committee will (E) discuss the future role and direction of the Protected Resources Committee, with input from Council and SERO staff. The Committee will discuss potential action for each item, provide guidance to staff, and address issues under Other Business as needed.

At this meeting, there will not an update from SERO PRD staff on the ongoing formal consultation in process for Coastal Migratory Pelagics, as the status is the same as in June 2014. The next update will be provided in December 2014.

### **A. ESA Listings for Corals**

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. In September 2013, NMFS extended the deadline for making final determinations for the purpose of soliciting additional data to assist in resolving significant scientific disagreement. On August 27, 2014, NMFS announced that 20 species of coral would be listed as Threatened in a final rule (not yet published). Five species are in the Southeast, in addition to the two *Acropora* species (elkhorn and staghorn coral), which will remain listed as Threatened under this determination. The final rule and other information are available at [http://sero.nmfs.noaa.gov/protected\\_resources/coral/index.html](http://sero.nmfs.noaa.gov/protected_resources/coral/index.html).

A reinitiation of a formal consultation for the spiny lobster fishery may follow 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. On September 4, 2014, NMFS released a draft recovery plan for the threatened corals, available at [http://www.nmfs.noaa.gov/pr/recovery/plans/elkhorn\\_staghorn\\_corals\\_draft2014.pdf](http://www.nmfs.noaa.gov/pr/recovery/plans/elkhorn_staghorn_corals_draft2014.pdf). SERO PRD staff will present an overview to the Committee of the final determination and possible future actions for South Atlantic fisheries.

**REQUIRED COMMITTEE ACTION:** Discuss and take action as necessary.

### **B. Proposed Listing for Nassau Grouper (Attachment 1)**

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. On September 2, 2014, NMFS published a proposed rule to list Nassau grouper as Threatened and request for comments (Attachment 1). The public comment period closes on December 31, 2014. The status report is available at [http://sero.nmfs.noaa.gov/protected\\_resources/listing\\_petitions/documents/biological\\_report.pdf](http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/documents/biological_report.pdf).

Nassau grouper has been under a harvest moratorium since 1992 due to concerns of overexploitation. The current ACL in the South Atlantic and the Gulf of Mexico is zero. Additionally, Snapper Grouper Amendment 27 extended 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.

SERO PRD staff will brief the Committee on the proposed listing. Following, the Committee will review, edit and approve input from the South Atlantic Council on the listing to submit to NMFS.

**REQUIRED COMMITTEE ACTION:** Review and approve input to submit to NMFS during the public comment period.

### **C. American Eel (Attachments 2a/2b)**

In September 2011, the U.S. Fish and Wildlife Service (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, in addition to an update on the outcomes of the International Eel Symposium in August 2014.

Additional information about the status review for American Eel is available at <http://www.fws.gov/northeast/newsroom/eels.html>.

**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*), which will be used to evaluate the health of the stock and inform the management of this species. Through the process of data gathering and preliminary model development, the Atlantic Sturgeon Stock Assessment Subcommittee (SASC) has determined two possible timelines for completion of the benchmark assessment (2015 or 2017). The Policy Board directed the SASC to complete the sturgeon assessment by 2017 to allow for a more comprehensive assessment on a stock or distinct population segment scale as well as incorporate the most recent data from studies currently underway. 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. Future Direction for Protected Resources Committee**

With Council and SERO staff, the Committee will discuss the future role and direction of the Protected Resources Committee. The Committee will provide guidance to staff on future Committee topics and discussion items.

**REQUIRED COMMITTEE ACTION:** Discuss and provide direction to staff.