

OVERVIEW

Protected Resources Committee Meeting

December 7, 2009
Sheraton Atlantic Beach Oceanfront Hotel
2717 W Fort Macon Road
Atlantic Beach, NC

The Protected Resources Committee will: (A) receive a presentation on bycatch of shortnose sturgeon in the Altamaha River shad gillnet fishery and (B) receive an update from NOAA Fisheries Protected Resources Division on South Atlantic protected species, and associated regulatory/management actions that the Council should be knowledgeable of when managing its fisheries. Specific items for discussion include reinitiation of Endangered Species Act (ESA) Section 7 Consultation for the shrimp fishery due to incidental take of smalltooth sawfish, two petitions for ESA listing, and incidental catch of sea turtles in gillnet fisheries in North Carolina.

A. Shortnose Sturgeon Bycatch

The University of Georgia conducted a study of bycatch in the American shad gill net fishery on the Altamaha River, GA, from 2007-2009. During low flow years, bycatch of shortnose sturgeon in the fishery was low; however, when flows returned to more normal conditions in 2009, bycatch of shortnose sturgeon was significantly higher. University of Georgia staff will brief the committee and discuss possible solutions under consideration by the state to resolve this issue.

REQUIRED COMMITTEE ACTION: Consider whether any action by Council is needed.

B. SERO Protected Resources Division Updates

On September 30, 2009, NOAA Fisheries was petitioned by the Natural Resources Defense Council to list Atlantic Sturgeon as an endangered species and to designate critical habitat under the ESA. The petitioner claims existing stressors that threaten Atlantic sturgeon survival include bycatch; water pollution, including low dissolved oxygen levels or hypoxia; dams, dredging, and ship strikes. NOAA Fisheries must determine whether the petition presents substantial information to be warranted by January 20, 2010.

Another petition was submitted on October 20, 2009 by the Center for Biological Diversity seeking to protect 83 coral species under the ESA. The petitioner claims that these corals, eight of which occur in the Southeast Region, face a growing threat of extinction due to rising ocean temperatures caused by global warming, and the related threat of ocean acidification. NOAA Fisheries must determine whether the petition

presents substantial information to be warranted by January 20, 2010. If found warranted, NOAA Fisheries must determine whether listing is warranted for each of the coral species within one year.

NOAA Fisheries received a 60-day notice on behalf of the Karen Beasley Sea Turtle Rescue and Rehabilitation Center of its intent to sue both North Carolina Division of Marine Fisheries (NCDMF) and the North Carolina Marine Fisheries Commission (NCMFC) unless NOAA Fisheries acts to remedy NCDMF and NCMFC violations of Section 9 of the ESA. The Beasley Center claims NCDMF and NCMFC have violated Section 9 of the ESA by: (1) authorizing and issuing licenses allowing the use of gill nets which have resulted in significant take of multiple species of endangered and threatened sea turtles, and (2) violating an Incidental Take Permit Number 1528 issued to NCDMF for its September to December southern flounder gillnet fishery in the Pamlico Sound Restricted Gillnet Fishing Area.

On May 1, 2009, the Southeast Regional Office Sustainable Fisheries Division requested reinitiation of ESA Section 7 consultation on the South Atlantic shrimp fishery and its effects on smalltooth sawfish because the authorized incidental take of one smalltooth sawfish in the South Atlantic shrimp fishery has been exceeded. During a March 5-9, 2009, fishing trip in the South Atlantic EEZ, three smalltooth sawfish takes were observed. One of the smalltooth sawfish is thought to have died from the interaction; the other two were released alive and assumed to have survived. The takes were observed in waters off the Florida Keys where shrimpers target pink shrimp.

REQUIRED COMMITTEE ACTION:

NOAA Fisheries would like the Council to consider initiating the scoping process for an Amendment to its Shrimp FMP to reduce smalltooth sawfish bycatch in shrimp trawls off the Florida Keys.