

SERO Protected Resources Division Briefing Document June 2019 SAFMC Meeting

Endangered Species Act (ESA) Listing and Rulemaking

Sea Turtle Conservation and Recovery Actions in Relation to the Southeastern United States Shrimp Fishery [No Change]

- On December 16, 2016, NOAA Fisheries published a proposed rule that, if implemented, would require all shrimp trawlers using skimmer trawls, pusher-head trawls, and wing nets to use TEDs designed to exclude small turtles in their nets.
- The Final Rule is under review.

Revised ESA Section 4 and Section 7 Regulations [New]

- On August 27, 2019, FWS/NMFS published two Final Rules revising portions of our regulations that implement sections 4 and 7 of the ESA.
- The revisions to the Section 4 regulations clarify, interpret, and implement portions of the Act concerning the procedures and criteria used for listing or removing species from the Lists of Endangered and Threatened Wildlife and Plants and designating critical habitat.
- The revisions to the Section 7 regulations clarify, interpret, and implement portions of the Act concerning the interagency cooperation procedures.
- The Final rules have an effective date of September 26, 2019 and are available at <https://www.federalregister.gov/documents/2019/08/27/2019-17518/endangered-and-threatened-wildlife-and-plants-regulations-for-listing-species-and-designating> and <https://www.federalregister.gov/documents/2019/08/27/2019-17517/endangered-and-threatened-wildlife-and-plants-regulations-for-interagency-cooperation>

ESA Section 7 Related Actions and News

FMP Consultations [No change]

- Section 7 consultations on SA and Joint SA/Gulf of Mexico FMPs (Wahoo, Spiny Lobster FMPs) have been reinitiated to address newly listed species/DPSs. With multiple SERO fisheries consultations reinitiated in the Southeast to address recent revised/new listings (e.g., Oceanic whitetip, Giant Manta Rays); consultation timelines are extended.

Marine Mammal Protection Act (MMPA) Actions and News

Atlantic Large Whale Take Reduction Team [Update]

- The Team last met in person April 23-26, 2019 in Providence RI to identify and recommend modifications to the ALWTRP to further reduce impacts of U.S. fixed gear fisheries on large whales and reduce mortality and serious injury to below PBR for critically endangered right whales. The Team was able to reach nearly unanimous consensus on a package of measures that would achieve at least a 60 percent serious injury and mortality reduction goal in each of the lobster management areas. The measures included 60% reduction in vertical buoy lines in each Lobster Management Area (LMA1-3) as well as “weak” rope gear modifications. Additionally, an expansion of gear marking to create larger and more frequent marks on U.S. trap/pot fishery buoy lines throughout U.S. East Coast waters was supported by most Team members.
- Eight scoping meetings were held from RI through Maine between August 8th and August 20th. Meetings were well attended.
- Scoping for the ALWTRP proposed rule officially closes on Sept 16 and a summary will follow shortly thereafter.
- The DEIS for the ALWTRP is expected in late 2018. Public input is possible at this stage.

- The proposed rule is expected to publish by early 2019. Public comment is also possible at this stage.

North Atlantic Right Whale Unusual Mortality Event (UME) [Update]

- Elevated North Atlantic right whale mortalities began in 2017, primarily in Canada, and were declared a UME. Since June 7, 2017, elevated North Atlantic right mortalities have been documented, primarily in Canada and were declared an [Unusual Mortality Event](#). In 2017, there was a total of 17 confirmed dead stranded whales (12 in Canada; 5 in the United States). In 2018, three whales stranded in the United States. In 2019, six whales have stranded in Canada. The preliminary cause of death for three of the 2019 NARW strandings were consistent with vessel strike injuries, four are still pending, and one is undetermined. The current total mortalities for the UME is 27 dead stranded whales (19 in Canada; 8 in the United States). More information on this UME is provided at: <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2018-north-atlantic-right-whale-unusual-mortality-event>.
- The most recent North Atlantic right whale population estimate is about 458 whales, which is up from around 270 in 1990, but has shown a consistent decline since the 2010 estimate of 483.

Humpback Whale UME [No change]

- Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida.
- A portion of the whales have shown evidence of pre-mortem vessel strike; however, this finding is not consistent across all of the whales examined, so more research is needed.
- As part of the UME investigation process, NOAA assembled an independent team of scientist to coordinate with the Working Group on Marine Mammal UMEs to review the data collected, sample stranded whales, and determine the next steps for the investigation.

Minke Whale UME [No change]

- Since January 2017, elevated minke whale mortalities have occurred along the Atlantic coast from Maine through South Carolina. While minke whales are protected under the MMPA, the species is not listed as endangered or threatened under the ESA.
- A portion of the whales have shown evidence of pre-mortem vessel strike; however, this finding is not consistent across all of the whales examined, so more research is needed.
- As part of the UME investigation process, NOAA is assembling an independent team of scientist to coordinate with the Working Group on Marine Mammal UMEs to review the data collected, sample stranded whales, and determine the next steps for the investigation.

Pelagic Longline Take Reduction Plan Proposed Rule Development [Update]

- A Pelagic Long line Take Reduction Team Webinar meeting is scheduled for September 3, 2019 to provide updates on research pertinent to the team and on Pelagic Long line Take Reduction Plan Amendment and rulemaking. Key outcomes from the meeting will be available here: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/pelagic-longline-take-reduction-plan>. SERO is still working on a proposed rule to update regulatory and non-regulatory requirements of the Pelagic Longline Take Reduction Plan based on consensus recommendations from the Pelagic Longline Take Reduction Team after meetings in December 2015 and

September and October 2016 (recommendations can be found in the Key Outcomes Memorandums at <http://www.nmfs.noaa.gov/pr/interactions/trt/pl-trt.html>).

Bottlenose Dolphin Take Reduction Plan [Update]

- A Bottlenose Dolphin Take Reduction Team meeting via webinar was held August 26. The purpose was to provide an opportunity for ongoing discussions in support of the Bottlenose Dolphin Take Reduction Plan implementation and monitoring. Key outcomes from the meeting will be available here: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/bottlenose-dolphin-take-reduction-plan>. The last Team meeting was an in-person meeting held December 5-7, 2017, to discuss modified or additional conservation measures to reduce gillnet bycatch of bottlenose dolphin estuarine stocks in North Carolina to levels required by the MMPA. The Team provided NOAA Fisheries with consensus recommendations for additional conservation measures, particularly related to North Carolina gillnet fisheries. The proposed rule to consider and analyze the Team's recommendations is in development.