

## **SERO Protected Resources Division's Briefing Document March 2018 SAFMC Meeting**

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### **Endangered Species Act (ESA) Listing Actions and Other Rulemaking**

#### *Giant Manta Ray [New]*

- On January 22, 2018, NOAA Fisheries issued a final rule to list the giant manta ray (*Manta birostris*) as threatened under the ESA, effective February 21, 2018 (83 FR 2916).

#### *Oceanic Whitetip Shark [New]*

- On January 30, 2018, NOAA Fisheries issued a final rule to list the oceanic whitetip shark (*Carcharinus longimanus*) as threatened under the ESA, effective March 1, 2018 (83 FR 4153).

#### *Leatherback Sea Turtle Petition [New]*

- In September 2017, NOAA Fisheries and the U.S. Fish and Wildlife Service received a petition from Blue Water Fishermen's Association to identify a Northwest Atlantic Distinct Population Segment (DPS) of leatherback sea turtle and to list that DPS as threatened.
- The agencies issued a positive 90-day finding in December indicating that there was sufficient information provided to warrant a 12-month status review (82 FR 57565). The agencies are going to conduct a complete status review for leatherback sea turtles worldwide (not just the requested Northwest Atlantic) to determine if there are discrete and significant populations that should be listed as DPSs.
- The status review team has been assembled and had their kick-off meeting on February 7, 2018, to begin the process of gathering the best available scientific and commercial data to conduct the review.

#### *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.
- OMB has deemed this rule significant, and the final rule is currently under OMB review.

### **ESA Section 7-Related Actions**

#### *FMP Consultations [No Change]*

- Section 7 consultations on SA and SA/Gulf of Mexico FMPs (Dolphin/Wahoo, Spiny Lobster FMPs) has been reinitiated and/or is needed to address newly listed species/DPSs. SERO is currently prioritizing completion of these and all other SERO federal fishery consultations.

### **Marine Mammal Protection Act (MMPA) Actions and News**

#### *North Atlantic Right Whale Unusual Mortality Event [Updated]*

- Elevated North Atlantic right whale mortalities began in 2017, primarily in Canada, and were declared an Unusual Mortality Event (UME). In 2017, a total of 17 confirmed dead stranded whales (12 in Canada; 5 in the U.S.), and five live whale entanglements in Canada were documented. As of February 12, 2018, one whale stranded in the U.S., bringing the total mortalities to 18 confirmed dead stranded whales (12 in Canada; 6 in the U.S.). 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 Unusual Mortality Event [New]*

- Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida. Partial or full necropsy examinations were conducted on approximately half of the whales. Of the whales examined at necropsy about 50% had evidence of human interaction, either ship strike or entanglement. These findings are not consistent across all of the whales examined, so more research is needed.

#### *Minke Whale Unusual Mortality Event [New]*

- 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.
- Full or partial necropsy examinations were conducted on over 60% of the whales. Preliminary findings in several of the whales have shown evidence of human interactions or infectious disease. These findings are 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.

*Are there any connections between the current, active UMEs for humpback whales and North Atlantic right whales and this minke whale UME? What is happening in the Atlantic that is causing all of these UMEs for different species?*

- Currently, there is no direct connection between the three UMEs but the respective investigative teams will stay abreast of the investigations and evaluate if there are any connections in the future. We currently do not have one cause of stranding or death that is common across the three species involved in the different UMEs; additionally, strandings across the three species are not clustering in space or time. Part of the goal of the investigations is to determine if there are commonalities in the findings from the three species that could point to a single cause, but as of yet no single cause has been identified.

#### *List of Fisheries (LOF) 2018 [Updated]*

- On February 7, 2018, NOAA Fisheries published its final LOF for 2018, as required by the MMPA (83 FR 5349).
- The MMPA requires that NOAA Fisheries evaluate U.S. fisheries annually and classify each as Category I, Category II, or Category III based on the extent of mortality or serious injury of marine mammals caused by each fishery. Category I and II fisheries are required to register with NOAA Fisheries to lawfully incidentally take marine mammals, carry observers if requested by NOAA Fisheries, and may be subject to a Take Reduction Plan.

#### *Pelagic Longline Take Reduction Plan Proposed Rule Development [No change]*

- SERO is 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 [Updated]*

- The Bottlenose Dolphin Take Reduction Team (Team) was convened for an in-person meeting on 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.