

# **SERO Protected Resources Division's Briefing Document**

## **June 2018 SAFMC Meeting**

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

#### *Sea Turtle Conservation and Recovery Actions in Relation to the Southeastern United States Shrimp Fishery [Update]*

- 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 back under development in SERO.

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

#### *FMP Consultations [Update]*

- Section 7 consultations on SA and Joint SA/Gulf of Mexico FMPs (Wahoo, Spiny Lobster FMPs) have been/will be 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/will be extended.

#### *Right whale Fishery Consultation Underway in the Greater Atlantic Regional Fisheries Office [New]*

- On October 17, 2017, GARFO issued a memorandum that reinitiates formal consultation on their Batched, Lobster, and Red Crab fisheries.
- The last biological opinions for these fisheries were completed in 2013 (Lobster), 2014 (Batched) and 2002 (Red Crab). Pace et al. (2017) presented new information indicating that these fisheries considered that these fisheries may affect right whales in a manner or to an extent not previously considered in those BiOps. Also, the right whale reinitiation trigger had been exceeded for right whales in the Batch BiOp and was expected to be exceeded for right whales in the Lobster BiOp once the 2017 Final SAR was published.
- The October 17, 2017 memorandum documented GARFO's determination that allowing the fisheries to continue during the reinitiation period will not violate ESA sections 7(a)(2) and 7(d). The timeline for completion of the opinions will be extended as GARFO and the NEFSC incorporate the information put forth by working groups and the recommendations and outputs of the Atlantic Large Whale Take Reduction Team, which are critical to producing an accurate assessment of the effects of these fisheries on right whales.

#### *Sea Turtle Nesting News*

- 2018 sea turtle nesting season well underway.
- Leatherback sea turtles begin to come ashore from March through July to lay their eggs. As of May 5, 2018, Florida Leatherbacks, Inc, a nonprofit corporation devoted to researching and understanding the population of nesting leatherback sea turtles in Southeast Florida, had 150 leatherback encounters this season, including a total of 78 individuals and 19 of those were new, untagged turtles.

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

#### *North Atlantic Right Whale Unusual Mortality Event (UME) [No change]*

- Elevated North Atlantic right whale mortalities began in 2017, primarily in Canada, and were declared a 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 have been documented. As of February 1, 2018, one whale stranded in the United States 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 UME [No Change]*

- 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 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.
- 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.

#### *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 [No Change]*

- 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.