

## **SERO, Protected Resources Division's Briefing Document for the December 2014 SAFMC Protected Resources Committee Meeting**

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### **Endangered Species Act (ESA) Listing Actions**

#### *Petition to List Nassau Grouper Under the ESA*

- A proposed rule to list Nassau grouper as a Threatened under the ESA published September 2, 2014 (79 FR 51929). The proposed rule can be found here: [http://sero.nmfs.noaa.gov/protected\\_resources/listing\\_petitions/documents/79\\_fr\\_51929\\_nassau\\_grouper\\_12-month\\_finding.pdf](http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/documents/79_fr_51929_nassau_grouper_12-month_finding.pdf)
- NMFS determined listing was appropriate because spawning aggregations have been reduced in size and number due to fishing pressure and existing management measures are inadequate to protect these aggregations. The status report informing these determinations can be found here: [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)
- There is a 120-day comment period that ends on December 31, 2014.
- During the comment period NMFS is seeking information on spawning aggregations, threats to the species, and conservation efforts aimed at protecting Nassau grouper.

#### *Petition to List Queen Conch Under the ESA*

- NMFS conducted a status report for the queen conch.
- On November 5, 2014, NMFS published its determination that the species does not warrant at this time.
- Information related to the determination can be found at: [http://sero.nmfs.noaa.gov/protected\\_resources/listing\\_petitions/archive/index.html](http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/archive/index.html)

#### *Atlantic Sturgeon*

- ASMFC, in cooperation with the NMFS and states, is initiating a stock assessment for Atlantic sturgeon that is anticipated to be complete in 2017.

#### *Atlantic Sturgeon Critical Habitat*

- NMFS has made preliminary determinations regarding Atlantic sturgeon critical habitat and is now evaluating the potential economic impacts of a critical habitat designation.
- NMFS is working with the Department of Defense and the U.S. Coast Guard to evaluate any national security impacts related to Atlantic sturgeon critical habitat designation.
- The Natural Resources Defense Council (NRDC) and the Delaware Riverkeeper Network filed a lawsuit on March 18, 2014, against NMFS for failure to designate Atlantic sturgeon critical habitat. We are currently in discussions with NRDC to finalize a settlement agreement to resolve the lawsuit.

#### *North Atlantic Right Whale Critical Habitat*

- NMFS is preparing a proposed rule to revise North Atlantic right whale critical habitat. The draft Federal Register notice is in the clearance process.

## *Corals*

- The comment period for the draft recovery plan for elkhorn and staghorn corals closed on October 20. The draft recovery plan can be found at: [http://sero.nmfs.noaa.gov/protected\\_resources/coral/elkhorn\\_coral/document/Key\\_Docs/Draft\\_Acropora\\_Recovery\\_Plan.pdf](http://sero.nmfs.noaa.gov/protected_resources/coral/elkhorn_coral/document/Key_Docs/Draft_Acropora_Recovery_Plan.pdf). NMFS will finalize the recovery plan by March 2015.
- NMFS is preparing an advanced notice for proposed rule-making requesting information to evaluate what, if any, protective regulations are needed for the conservation of the five newly listed Caribbean coral species. Check the website for the release of the notice: [http://sero.nmfs.noaa.gov/protected\\_resources/coral](http://sero.nmfs.noaa.gov/protected_resources/coral).

## **ESA Section 7 FMP Consultations**

### *Coastal Pelagic Resources Fishery Management Plan Formal Consultation*

- Consultation was initiated to address the listing of 5 DPSs of Atlantic sturgeon under the ESA Atlantic sturgeon.
- The new opinion, currently under development, will address all ESA listed species that may be affected and will replace the previous 2007 opinion.

## **Marine Mammal Protection Act Actions**

### *2015 List of Fisheries (LOF)*

- MMPA 2015 LOF was published on August 25, 2014. The comment period closed on 9/24/2014. No major changes are proposed for SE fisheries.

### *Marine Mammal Authorization Program (MMAP)*

- All Category I and II fisheries will be registered with the MMAP by January 1, 2015. The Marine Mammal Protection Act requires that NOAA Fisheries annually registers all Category I and II fishermen for the MMAP. The MMAP provides an exemption to fishermen if they accidentally kill or seriously injure a marine mammal while fishing. Category I and II fishermen must carry an Authorization Certificate aboard while fishing to prove they are registered with the MMAP, report all fishing-related marine mammal injuries or deaths within 48 hours of returning to port, and carry a fishery observer if selected by NOAA Fisheries.

### *Pelagic Longline Take Reduction Team (PLTRT)*

- The PLTRT convened a webinar in June 2014 to discuss new research, changes in fishing practices, and other related updates. An in-person meeting was recommended by the PLTRT for late winter/early spring 2015.

### *Bottlenose Dolphin Take Reduction Plan and Team (BDTRP/T)*

- The BDTRP proposed rule to amend the BDTRP to reduce bottlenose dolphin serious injuries and mortalities in Virginia pound net gear published on April 17, 2014. The comment period closed on June 2, 2014; NMFS has a draft of the final rule in review.
- NMFS is planning to convene the BDTRT for a webinar meeting in Spring/Summer 2015 to discuss conservation measures needed to help the BDTRP meet its mandated goals

*Atlantic Large Whale Take Reduction Plan (ALWTRP)*

- On June 27, 2014, NMFS issued a final rule to amend the ALWTRP regulations. The rule revises the management measures for reducing the incidental mortality and serious injury to the North Atlantic right whale (*Eubalaena glacialis*), humpback whale (*Megaptera novaeangliae*), and fin whale (*Balaenoptera physalus*) in commercial trap/pot and gillnet fisheries to further the goals of the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). Specifically, the rule is intended to reduce entanglement threat from vertical lines. Regulations applicable in the Southeast became effective on November 1, 2014.