

# OVERVIEW

## Protected Resources Committee Meeting

**December 1, 2014**

DoubleTree by Hilton New Bern/ Riverfront

100 Middle Street

New Bern, NC

The Protected Resources Committee will meet to discuss South Atlantic protected species, and receive updates on associated regulatory/management actions that the Council should be knowledgeable of when managing South Atlantic fisheries. SERO Protected Resource Division (PRD) staff will report on (A) the formal consultation in process for Coastal Migratory Pelagics along with other protected resources-related updates. Council staff will provide (B) an overview of the proposed rule to list Nassau grouper and a draft letter for the Council's consideration. Next, Council staff will provide (C) an overview of new requirements for the Southeast region under the Atlantic Large Whale Take Reduction Plan. The Protected Resources Committee will also be briefed on (D) the status review for American Eel and (E) the Atlantic Sturgeon stock assessment. The Committee will discuss potential action for each item, provide guidance to staff, and address issues under Other Business as needed.

### **A. Ongoing Formal Consultations and PR-related Updates (Attachment 1)**

In June 2013, the Council approved a motion that stated: The Council will receive status updates from Protected Resources Division staff at each Council meeting while there are ongoing formal consultations. The intent of the motion was to allow Council members the opportunity to stay updated and provide input during the consultation process.

Currently a formal consultation is underway for the Coastal Migratory Pelagics (CMP) fishery, triggered by the listing in 2012 of the Carolina and South Atlantic distinct population segments (DPSs) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) as endangered under the ESA. Staff from the SERO Protected Resources Division (PRD) will provide the Committee with an update on the consultation and record input from Committee members for consideration during the consultation. PRD staff will also report on Atlantic Sturgeon critical habitat, Queen Conch status review, and other protected resources issues in the South Atlantic region.

**REQUIRED COMMITTEE ACTION:** Provide input on the consultation and updates, discuss, and take action as necessary.

### **B. Proposed Listing for Nassau Grouper (Attachments 2a/2b)**

In October 2012, NMFS published a 90-day finding that there was sufficient information to initiate a status review of Nassau grouper, which is a comprehensive assessment of a species' biological status and threats. On September 2, 2014, NMFS published a proposed rule to list Nassau grouper as Threatened and a request for comments (**Attachment 2a**). The public comment period closes on December 31, 2014. The status report is available at [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).

Nassau grouper has been under a harvest moratorium since 1992 due to concerns of overexploitation through amendments to Gulf and South Atlantic fishery management plans. The current annual catch limit (ACL) in the South Atlantic and the Gulf of Mexico is zero. Additionally, Snapper Grouper Amendment 27 extended the South Atlantic's jurisdiction of Nassau grouper into the Gulf of Mexico because Nassau grouper was removed from the Gulf of Mexico Reef Fish FMP.

In September 2014, the Committee and Council received a draft comment letter for review and provided input after the meeting. At this meeting, the Committee will review a revised draft letter (**Attachment 2b**), edit, and approve the letter from the South Atlantic Council on the listing to send to NMFS.

**REQUIRED COMMITTEE ACTION:** Review and approve letter to send to NMFS during the public comment period.

### **C. Atlantic Large Whale Take Reduction Plan Requirements**

In June 2014, NMFS published a final rule to amend the Atlantic Large Whale Take Reduction Plan (ALWTRP). The new measures are intended to reduce the risk of vertical line entanglements in areas and times where abundance of large whales and high trap/pot gear density overlap. In the Southeast, the rule uses the current Southeast Restricted Area North to establish gear setting requirements for buoy line breaking strength and reducing the weak link strength in trap/pot fisheries; requires all buoy lines to be made of sinking rope and object free in trap/pot fisheries; requires a single trap per buoy line; and in federal waters, requires that trap/pot gear be brought back to shore at the end of each trip. The rule also increases the size and frequency of the current gear marking scheme for both trap/pot and gillnet fisheries. The requirements in the Southeast were effective on November 1, 2014.

The Committee will be briefed on the new requirements in the Southeast region that affect participants in the black sea bass pot fishery and shark gillnet fishery.

#### Links:

- Final Rule:  
<http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/14alwtrpfr.pdf>
- Final Environmental Impact Statement:  
<http://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/eis2013/index.html>
- [ALWTRP Guide for the Gillnet Fishery in the Southeast](#)
- [ALWTRP Guide for the Trap/Pot Fishery in the Southeast](#)

**REQUIRED COMMITTEE ACTION:** Discuss and take action as necessary.

### **D. American Eel Status Review**

In September 2011, the U.S. Fish and Wildlife Service (USFWS) issued a 90-day finding on a petition to list American eel (*Anguilla rostrata*) as threatened under the ESA, which concluded that sufficient information existed to conduct a status review for American Eel and issue a 12-month finding. In August 2012, The Center for Science, Accuracy, and Reliability filed a

complaint against the Secretary of the Interior to compel the agency to meet the requirements of publishing the finding on the status review within 12 months. A stipulated settlement agreement was filed in April 2013 that requires USFWS to publish the finding of the status review for American Eel by September 30, 2015. In December 2013, the Council was sent a letter notifying it of the Status Review and soliciting any information on American eels it wishes to provide. Committee Chair Wilson Laney (USFWS) will brief the Committee on the status and progress of the Status Review.

Additional information about the status review for American Eel is available at <http://www.fws.gov/northeast/newsroom/eels.html>.

**REQUIRED COMMITTEE ACTION:** Discuss and take action as necessary.

#### **E. Atlantic Sturgeon Stock Assessment**

The Atlantic States Marine Fisheries Commission began work on the 2014 benchmark stock assessment for Atlantic sturgeon (*Acipenser oxyrinchus*), which will be used to evaluate the health of the stock and inform the management of this species. Through the process of data gathering and preliminary model development, the Atlantic Sturgeon Stock Assessment Subcommittee (SASC) has determined two possible timelines for completion of the benchmark assessment (2015 or 2017). The Policy Board directed the SASC to complete the sturgeon assessment by 2017 to allow for a more comprehensive assessment on a stock or distinct population segment scale as well as incorporate the most recent data from studies currently underway. Committee Chair Wilson Laney (USFWS) will brief the Committee on the status and progress of the stock assessment.

**REQUIRED COMMITTEE ACTION:** Discuss and take action as necessary.