



**NOAA Fisheries Service
Southeast Regional Office
Protected Resources Division**

Public Scoping Workshops: Gathering Information for *Acropora* sp. Conservation



**Jennifer Moore
Stephania Bolden
Sarah Heberling**



- Welcome and Introductions
- Background
 - How did we get here?
 - What does this mean (now that we're here)?
- Workshop Objectives and Desired Outcomes
 - Why are we here?
 - How will this information be used?
- Ground Rules and Workshop Procedure





How did we get here?

- **March 4, 2004:** the Center for Biological Diversity (CBD) petitioned NOAA Fisheries Service to list three *Acropora* sp., elkhorn, staghorn, and fused-staghorn coral, as either threatened or endangered under the Endangered Species Act (ESA) and to designate critical habitat.
- **June 23, 2004:** NOAA Fisheries Service made a positive 90-day finding (69 FR 34995) that CBD presented substantial information indicating that the petitioned actions may be warranted and announced the initiation of a formal status review by convening an Atlantic *Acropora* Biological Review Team (BRT).
- **March 2005:** The status review (available at <http://sero.nmfs.noaa.gov/pr/protres.htm>) incorporates and summarizes the best available scientific and commercial data up to March 2005; and it addresses the status of the species, the five ESA listing factors, and current regulatory, conservation, and research efforts that may yield protection.





How did we get here? (cont'd)

- **March 18, 2005:** NOAA Fisheries Service determined that a threatened listing was warranted for both elkhorn and staghorn corals (70 FR 13151) because they are likely to become in danger of extinction throughout their ranges in the foreseeable future from a combination of factors.
- **May 9, 2005:** NOAA Fisheries Service published a **proposed rule** to list elkhorn and staghorn corals (*Acropora palmata* and *A. cervicornis*) as **threatened** (70 FR 24359).
- **May 4, 2006:** NOAA Fisheries Service announced its **final decision** to list elkhorn and staghorn corals as **threatened**. This decision also determined that a critical habitat designation is not determinable at this time because more information is required to identify those features essential to the conservation of the species. A final listing rule will be published in the Federal Register on May 9, 2006.





What a threatened listing means for *Acropora* sp.

- Species listed as **endangered** automatically receive certain protections, including prohibition on “take” for the species

“Take” is defined under the ESA as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.”

- For species listed as **threatened**, TAKE is not automatically prohibited
- NOAA Fisheries Service must propose and publish a special rule to issue protective regulations and any limitations that it finds necessary and advisable to provide for the conservation of threatened species
- This is called a 4(d) rule, as it is required by section 4(d) of the ESA





How does NOAA Fisheries determine what is “necessary and advisable to provide for the conservation of the species”?

- Evaluate the biological status of the species
- Evaluate the potential impacts of various activities and programs on the species
- Determine whether regulating these activities provide for the conservation of the species

What does a 4(d) rule do?

- May extend some or all of the ESA Section 9 take prohibitions to all or only some activities
- May “limit” the situations to which take prohibitions apply for threatened species
- Identifies activities representative of those to which take prohibitions do not apply
- May provide criteria for future activities to which take prohibitions will not apply





What a threatened listing means (cont'd)

- In addition to a 4(d) rule, NOAA Fisheries Service must designate Critical Habitat no later than one year after listing to the maximum extent prudent.

"Critical Habitat" is defined under the ESA as:

- (1) Specific areas within the geographical area currently occupied by the species, on which are found those physical or biological features**
 - i. Essential to the conservation of the species and**
 - ii. That may require special management considerations or protection**
- (2) Specific areas outside the geographical area occupied by a species upon determination that such areas are essential for the conservation of the species**

- Critical Habitat designations are made based on the best scientific data available, *after taking into consideration the economic, national security, and other relevant impacts of making such a designation*



Designation of Critical Habitat

- NOAA Fisheries Service may exclude an area from critical habitat if the benefits of exclusion outweigh the benefits of designation, unless excluding the area will result in the extinction of the species concerned.
- A critical habitat designation does not set up a preserve or refuge.
- A critical habitat designation applies predominantly when Federal funding, permits, or projects are involved.
- Section 7 requirements do not apply to citizens engaged in activities on private land that do not involve a Federal agency.





Why We Are Here

- To ***gather information*** for:
 - protective regulations and potential limitations to prohibitions that may be necessary and advisable to provide for the conservation of threatened *Acropora* sp. (a.k.a., a 4(d) Rule)
 - Identification of physical and biological features *essential* to the *conservation* of the species, including identification of possible areas of critical habitat





- List of activities and programs that directly or indirectly **affect** *Acropora* sp.
- Evaluation of potential **impacts** that each activity and program has on *Acropora* sp.
- Identification of those activities and programs that **assist** in the conservation of *Acropora* sp.
- List of **potential ways to modify** activities and programs that do not assist in the conservation of the species.
- Identification of **essential** physical and biological features and **possible** areas of **critical habitat**.
- ***The information gathered during this workshop will be considered in the development of any proposed 4(d) rule or critical habitat designations***



Step 1: Divide Into 3 Break-Out Groups



Fishing, Diving, and Recreational Uses of Coral Reefs

- Recreational and commercial fishing
- Charter dive boat and/or fishing boat operations
- Recreational diving and snorkeling
- Water sports
- "Jet-Ski" operation
- Underwater photography
- Pleasure boating
- Tropical fish collection
- Spear fishing



Coastal and Nearshore Construction & Related Activities

- Waste management
- Dredge and fill
- Beach renourishment
- Coastal development
- Coastal construction
- Port activity
- Marine discharge
- Marine transportation
- Marinas



Research & Recovery Efforts related to Coral Reefs

- Coral Research, Coral Restoration, Aquaculture



Step 2: Within your group, discuss the following focus questions

1. What types of programs and activities currently exist that directly/indirectly affect elkhorn and staghorn corals?
2. What types of impacts do these programs and activities have on elkhorn and staghorn corals?
3. Of these activities and programs, which ones assist in the conservation of the species?
4. In what ways can we modify activities and programs to minimize impacts?
5. What physical or biological features are important for identifying areas of critical habitat? Where are geographic areas of importance?





As you discuss the questions, please remember the following **ground rules**, which will ensure the constructive use of the limited time available:

- No debating
- Everyone participates
- All participants are considered equal
- One person talks at a time
- There are no right or wrong answers
- Keep comments concise for the recorder
- Keep discussion moving
- Remember the focus questions
- Utilize the “Parking Lot” for ideas/comments unrelated to the focus questions
- Turn off or silence all cell phones and beepers

Thank you!





What did we do today?

Did we reach our goals for this workshop?

Did we leave anything out?

What are our next steps?

Questions before we adjourn?





NOAA Fisheries Service
Southeast Regional Office
Protected Resources Division
263 13th Avenue South
St. Petersburg, FL 33701

Ph. (727) 824-5312

Fx. (727) 824-5309

Em. Sarah.Heberling@noaa.gov
Jennifer.Moore@noaa.gov

Web: <http://sero.nmfs.noaa.gov/pr/protres.htm>

