



NOAA Public Hearing to answer questions and receive public comments on the proposed rule to revise the critical habitat designation for the endangered leatherback sea turtle

Photo: Don Lewis

Critical Habitat Review Team

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- What is Critical Habitat?
- Designation Process and Proposed Rule
- Next Steps

For more information:

<http://www.nmfs.noaa.gov/pr/species/turtles/leatherback.htm#documents>

Leatherback Sea Turtles

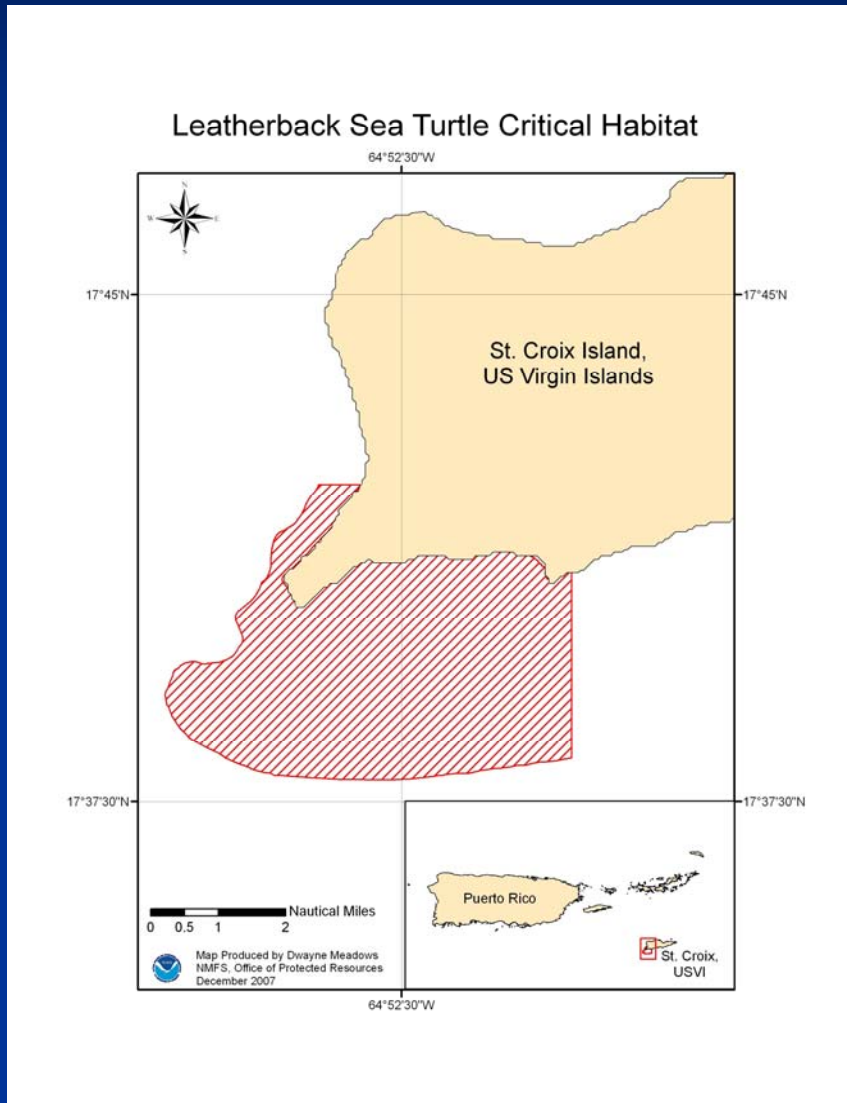


Photo: Scott Benson

What is Critical Habitat?

- Not a refuge or a marine sanctuary.
- A specific area within the geographical range of the species that contains physical or biological features essential to the conservation of the species.
- The ESA requires designation based on the best scientific information available, after considering the impacts of designation.
- The primary benefit – ESA Section 7 - prohibits the adverse modification or destruction of critical habitat by Federal agency actions.

Current Leatherback Critical Habitat



In 1979 NMFS designated leatherback critical habitat in St. Croix, U.S. Virgin Islands.

The area consists of marine waters adjacent to Sandy Point Beach (nesting site, FWS designated CH).

Petition to Revise the Designation

- NMFS was petitioned in Oct. 2007 to revise the existing critical habitat designation to include the Leatherback Conservation Area (aka drift gillnet seasonal area closure).
- On Dec 28, 2007 NMFS published a 90-day finding.
- Critical Habitat Review Team
- On Jan 5, 2010 NMFS published the Propose Rule.



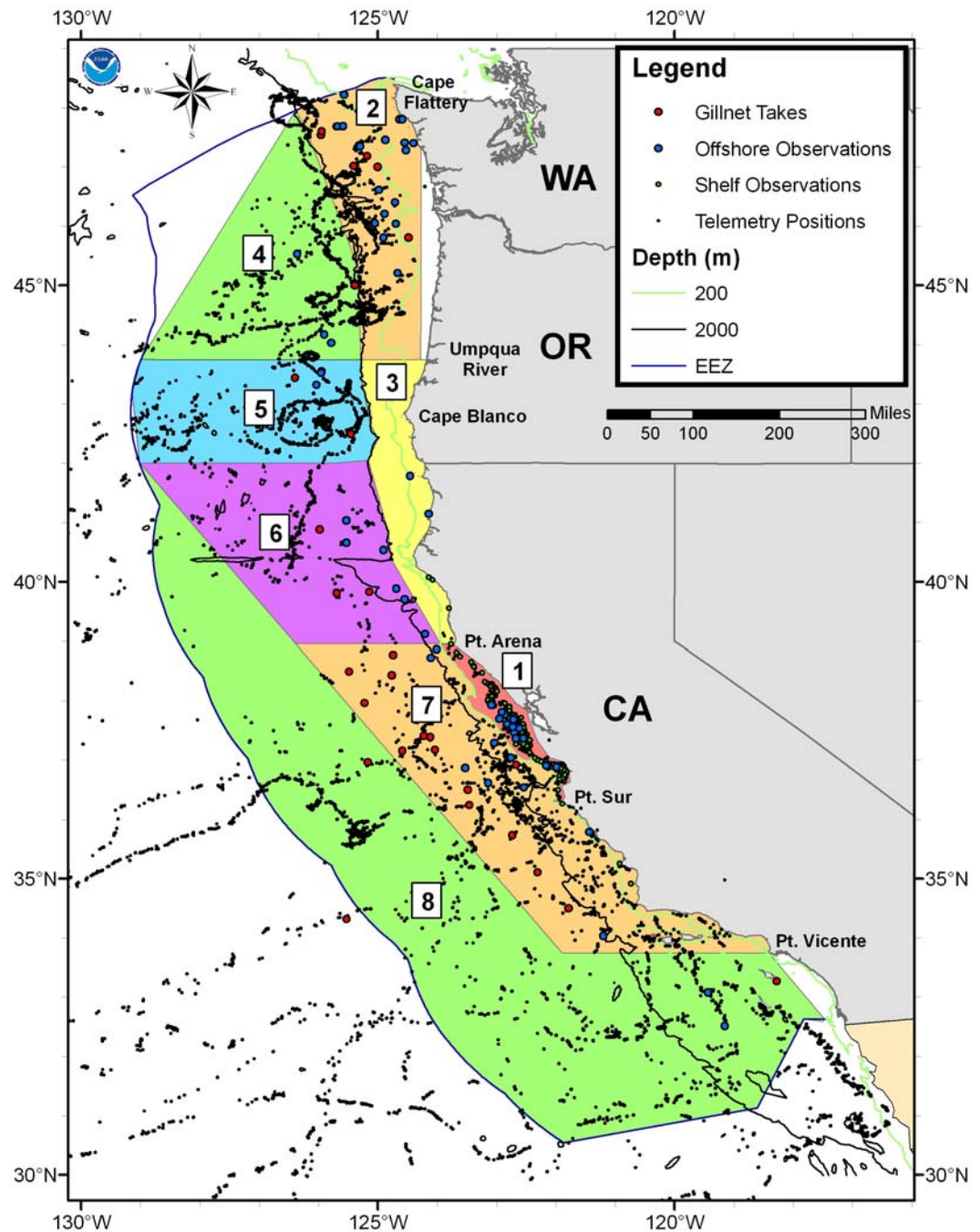
What Does NMFS Consider?

- Geographic range of species within U.S. EEZ.
- Physical/biological features essential to leatherback conservation.
- Identify specific areas that contain the essential features.
- What Federal activities occur in each specific area that may require special management.

Biological Analysis

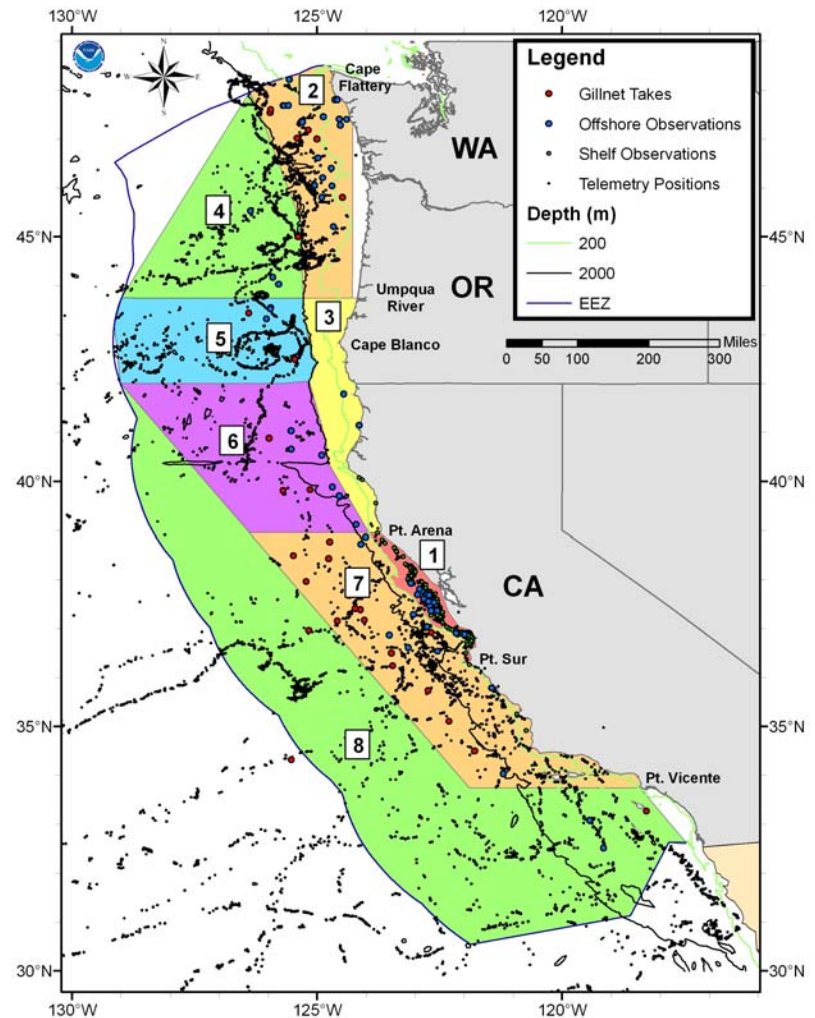
- Determine the physical and biological features that make U.S. West Coast important habitat for leatherbacks and essential for their conservation.
 - Prey (jellyfish) – of sufficient condition, distribution, diversity and abundance
 - Passage – migratory pathway conditions to allow for safe and timely passage to/from/within high use foraging areas

Map of the Biological Data Considered



Conservation Values

- Area 1 - High
- Area 2 - High
- Area 3 – Very Low
- Area 4 - Medium
- Area 5 - Medium
- Area 6 - Low
- Area 7 - Medium
- Area 8 – Low



Economic Analysis

- Federal activities that may alter prey abundance, prey contamination levels or free passage.
 - pollution from point sources
 - runoff from agricultural pesticide use;
 - oil spills;
 - power plants;
 - aquaculture;
 - desalination plants;
 - tidal energy or wave energy projects; and
 - liquid natural gas (LNG) projects.

Commercial Fisheries

- NMFS considered impacts from commercial fisheries, but ultimately determined that commercial fisheries were not likely to impact the **habitat**.
- Interactions between leatherbacks and fisheries are direct interactions and indirect effects. This is better evaluated through the jeopardy standard of ESA Section 7.
- Prey PCE – No impacts expected
- Passage PCE – Temporary impediments, not long term barriers to passage

Wind Energy

- NMFS considered impacts to PCEs from potential offshore wind energy projects, however we found a significant lack of information to support a complete analysis of potential impacts.
- Data needs – location/size of potential projects and costs associated with construction and operation.
- NMFS did consider impacts on potential tidal and wave energy projects.

Potential Modifications

- Power Plants – Cooling of thermal effluent prior to discharge, treatment of contaminated waste.
- Aquaculture – Limit size or location of net pens.
- Point source pollution – For NPDES facilities permitted by EPA - Require higher discharge standards through the EPA permit process.

NOTE: These are examples. Project modifications may vary depending on location, time of year and potential impact. See economic report for more details.

Economic Costs

How many activities occur in each area?

What are the potential costs for modifications?

Annual Cost Per Area & Economic Thresholds

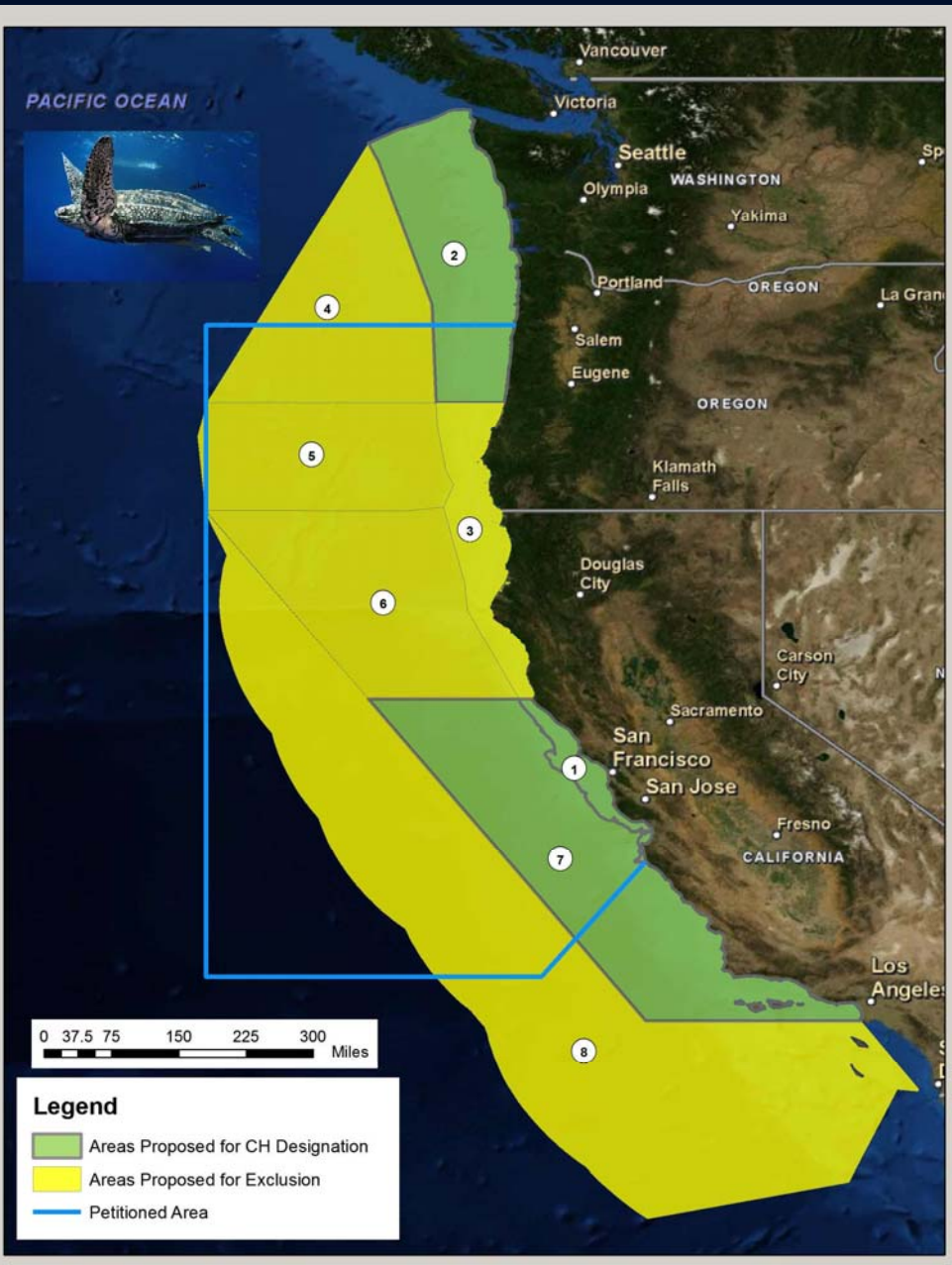
- Area 1 - Medium
- Area 2 - Medium
- Area 3 - Medium
- Area 4 – Low
- Area 5 - Low
- Area 6 - Low
- Area 7 - Medium
- Area 8 – Low

ESA Section 4(b)(2)

- Weigh the benefits of exclusion v. benefits of designation
- Potential Exclusions:
 - Economic (economic costs outweigh the conservation benefit)
 - National Security
 - Other impacts (Tribal lands)

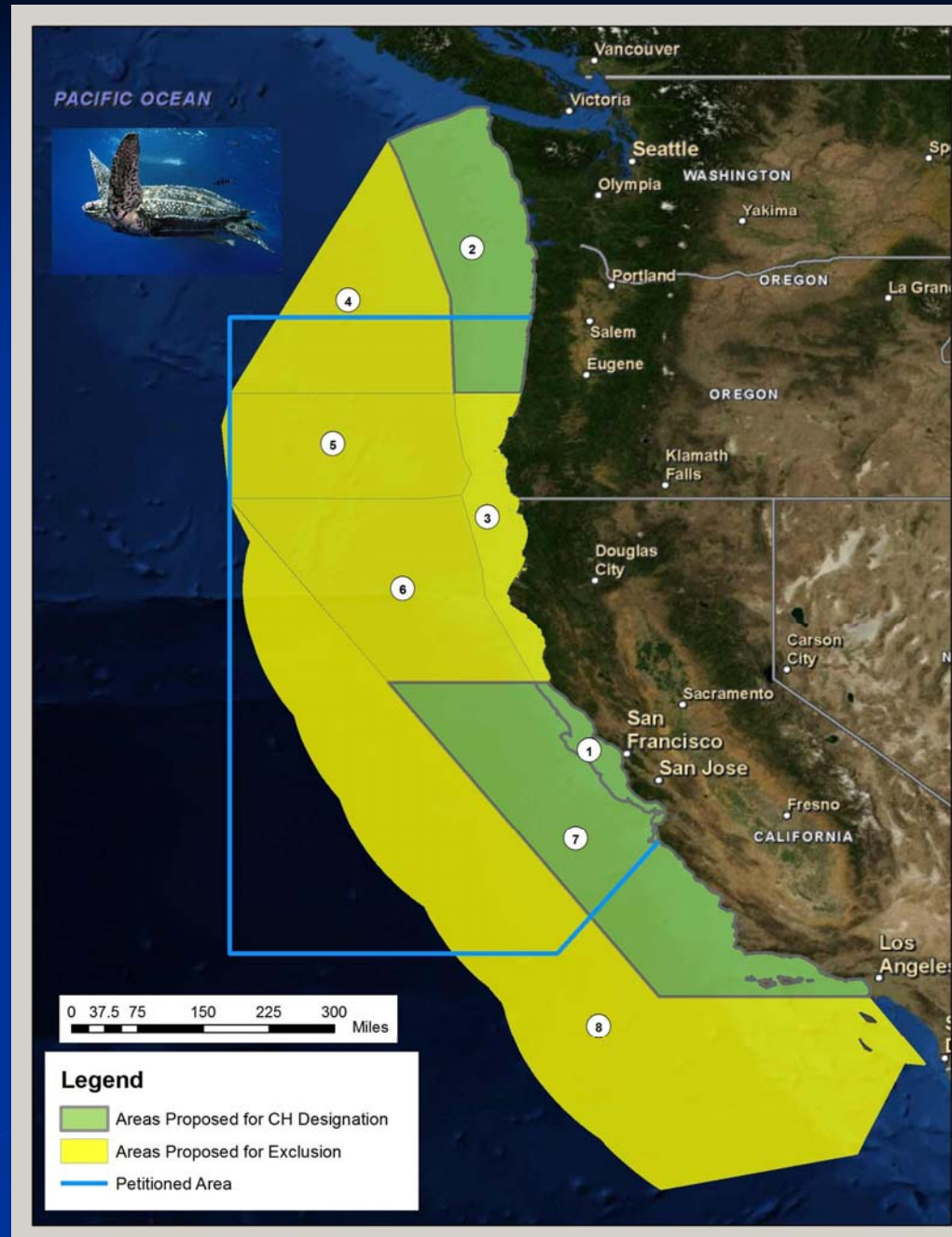
Proposed Exclusions

- NMFS proposes to exclude 5 specific areas based on economic costs of designation (yellow).
- NMFS proposes to exclude small parcels of coastal land controlled by several Indian tribes in the Pacific Northwest.
- NMFS may also consider exclusions based on National Security, if requested.



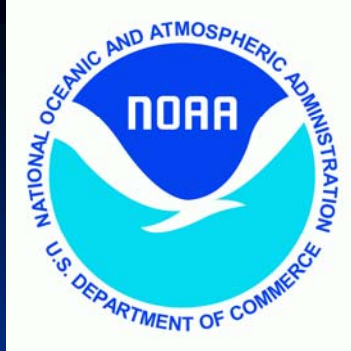
Proposed Designation

- NMFS proposes to designate 3 specific areas (green).
- Total designation is approximately 70,600 sq miles
- Geographic descriptions:
 - Area 1 and 7 - CA coast from Point Arena to Point Vicente
 - Area 2 - Cape Flattery, WA to Umpqua River, OR



What Happens Next?

- Public Comment Period closes on April 23rd.
- NMFS will review all public comments and make a final determination.
- Final Rule is expected to publish in Fall 2010.
- If critical habitat is designated, Federal agencies will consult with NMFS on projects that may affect critical habitat.



Comment Period Closes April 23, 2010

Submit Comments to:

David Cottingham, Chief, Marine Mammal and Sea Turtle Conservation
Division, NMFS, Office of Protected Resources, 1315 East West
Highway, Silver Spring, MD, 20910.

RIN 0648-AX06

Electronic Submissions: <http://www.regulations.gov>

For Additional Information:

<http://www.nmfs.noaa.gov/pr/species/turtles/leatherback.htm#documents>