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FISHERIES

# Nassau Grouper Critical Habitat Proposed Listing

December 6th, 2022

CFMC Public Meeting

NOAA Fisheries - Southeast Regional Office



# Background

- A final rule to list Nassau Grouper as threatened under the Endangered Species Act (ESA) was issued in 2016.
- After a species is listed under ESA, a critical habitat proposal must follow.
- After considering public comment and consulting with experts in the field, a proposed critical habitat rule was issued (FR62930) in October, 2022.
- Public comment is open through December 16th, 2022.



# Proposed Rule - Essential Features

- Two essential features were considered.
- The first is based on designating habitat from nearshore to offshore to accommodate development and growth of the species from larva (which settles nearshore) to adult. Benthic habitat/species information was used to identify where this occurs.
- We did not just draw a line around any area that could potentially be used by Nassau Grouper.
- The other feature designates known spawning aggregation sites.

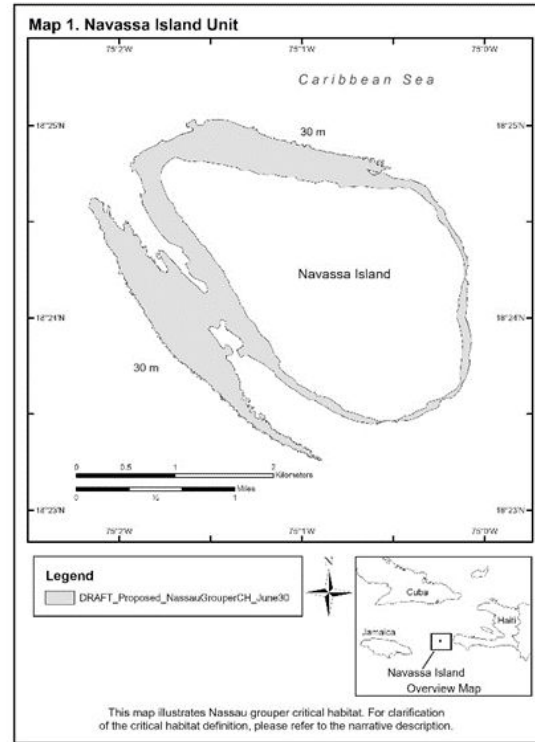


# Proposed Rule - 2 Essential Features

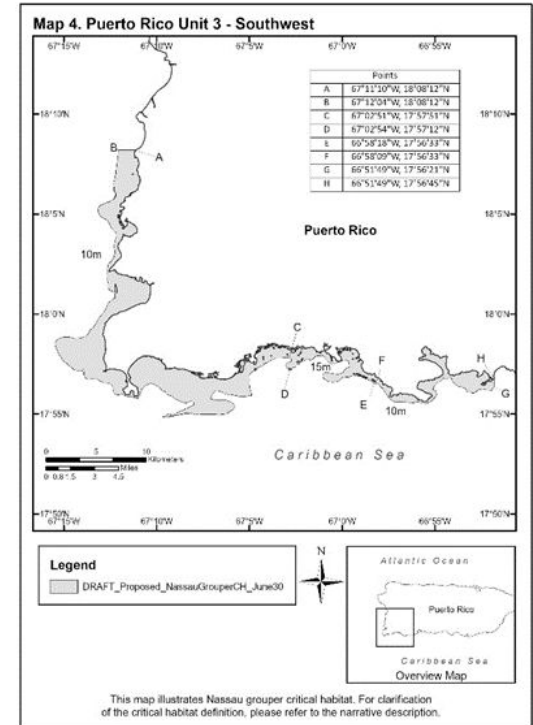
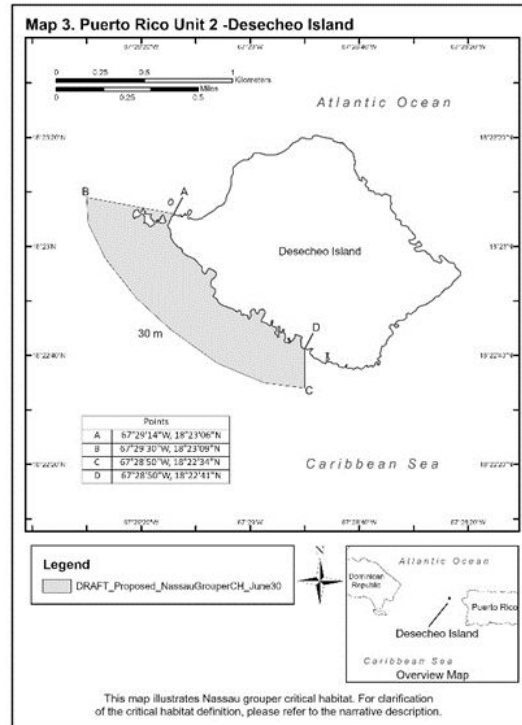
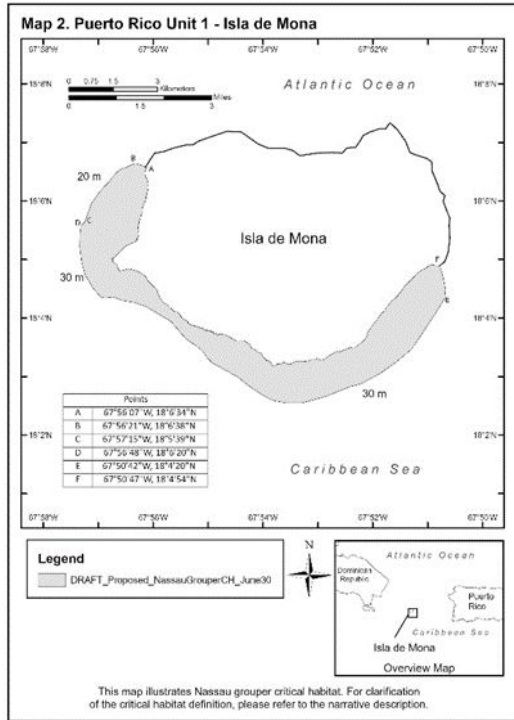
- **Contiguous areas from nearshore to offshore necessary for development and growth of Nassau grouper containing a variety of natural or artificial benthic types that provide cover from predators and habitat for prey, consisting of the following:**
  - **Nearshore shallow subtidal marine nursery areas** with substrate that consists of unconsolidated calcareous medium to very coarse sediments (not fine sand) and shell and coral fragments and may also include cobble, boulders, whole corals and shells, or rubble mounds, to support larval settlement and provide shelter from predators during growth and habitat for prey.
  - **Intermediate hard bottom and seagrass areas** in close proximity to the nearshore shallow subtidal marine nursery areas that protect growing fish from predation as they move from nearshore nursery areas into deeper waters and provide habitat for prey. The areas include seagrass interspersed with areas of rubble, boulders, shell fragments, or other forms of cover; inshore patch and fore reefs that provide crevices and holes; or substrates interspersed with scattered sponges, octocorals, rock and macroalgal patches, or stony corals.
  - **Offshore Linear and Patch Reefs** in close proximity to intermediate hard bottom and seagrass areas that contain multiple benthic types: coral reef, colonized hardbottom, sponge habitat, coral rubble, rocky outcrops or ledges, or artificial habitat of sufficient complexity to function as a reef (e.g., shipwrecks) to provide shelter from predation during maturation and habitat for prey.
  - **Structures** between the subtidal nearshore area and the intermediate hard bottom and seagrass area and the offshore reef area including overhangs, crevices, depressions, blowout ledges, holes, and other types of biological, geological, or artificial formations of varying sizes and complexity to support juvenile and adults as movement corridors that include temporary refuge opportunities that reduce predation risk as Nassau grouper move from nearshore to offshore habitats.
- **Known marine areas used for spawning including adjacent areas used for movement and staging associated with reproduction.**



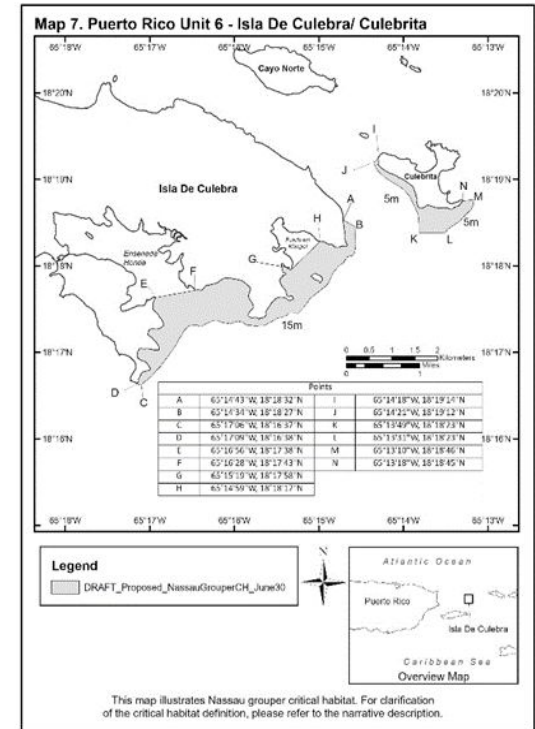
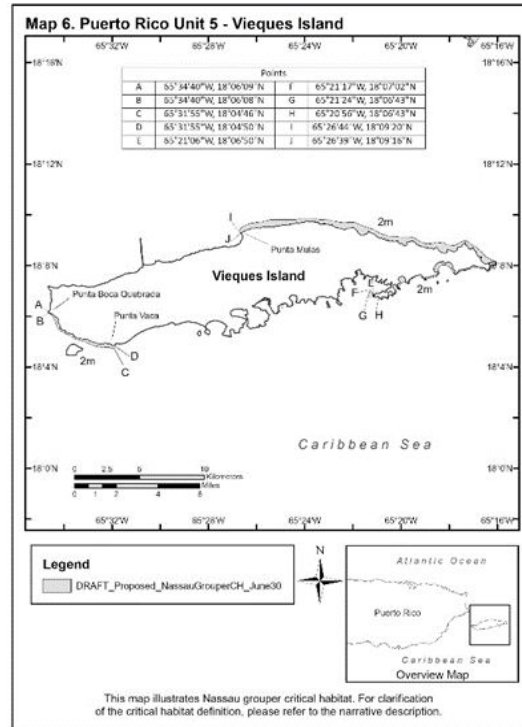
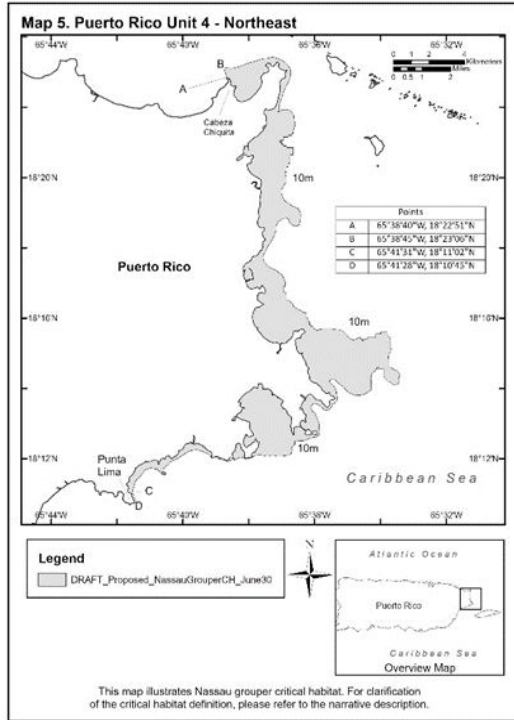
# Proposed Critical Habitat - Navassa Island



# Proposed Critical Habitat - West Puerto Rico

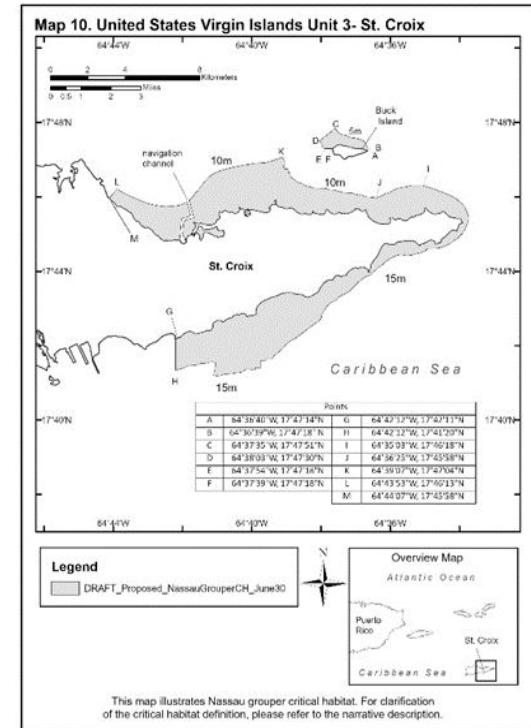
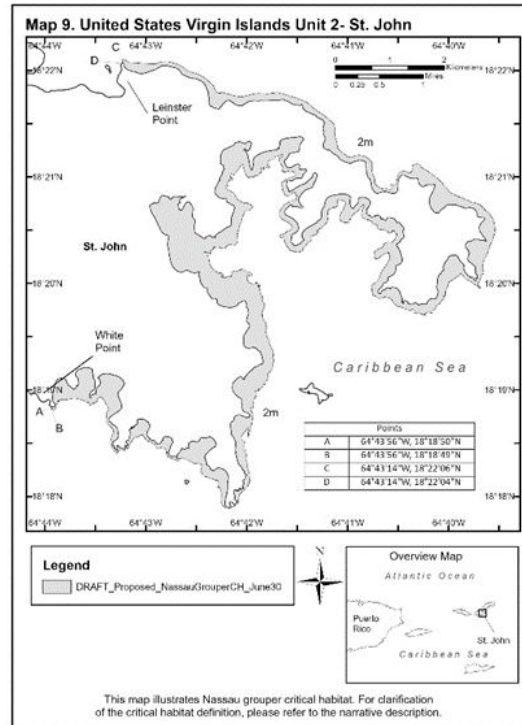
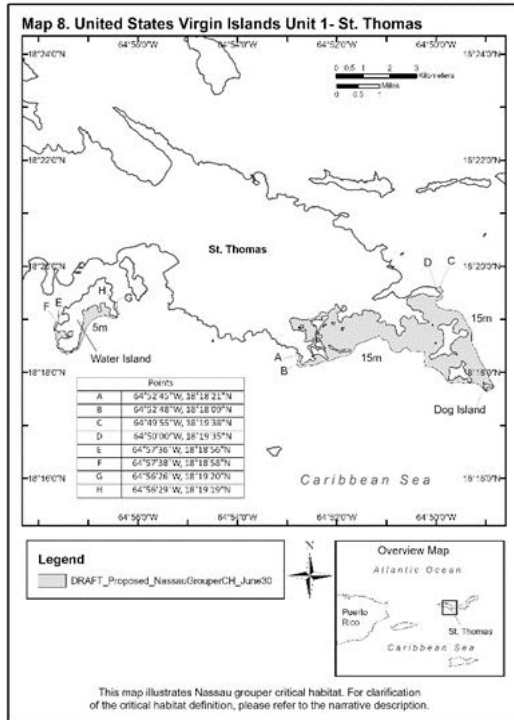


# Proposed Critical Habitat - East Puerto Rico



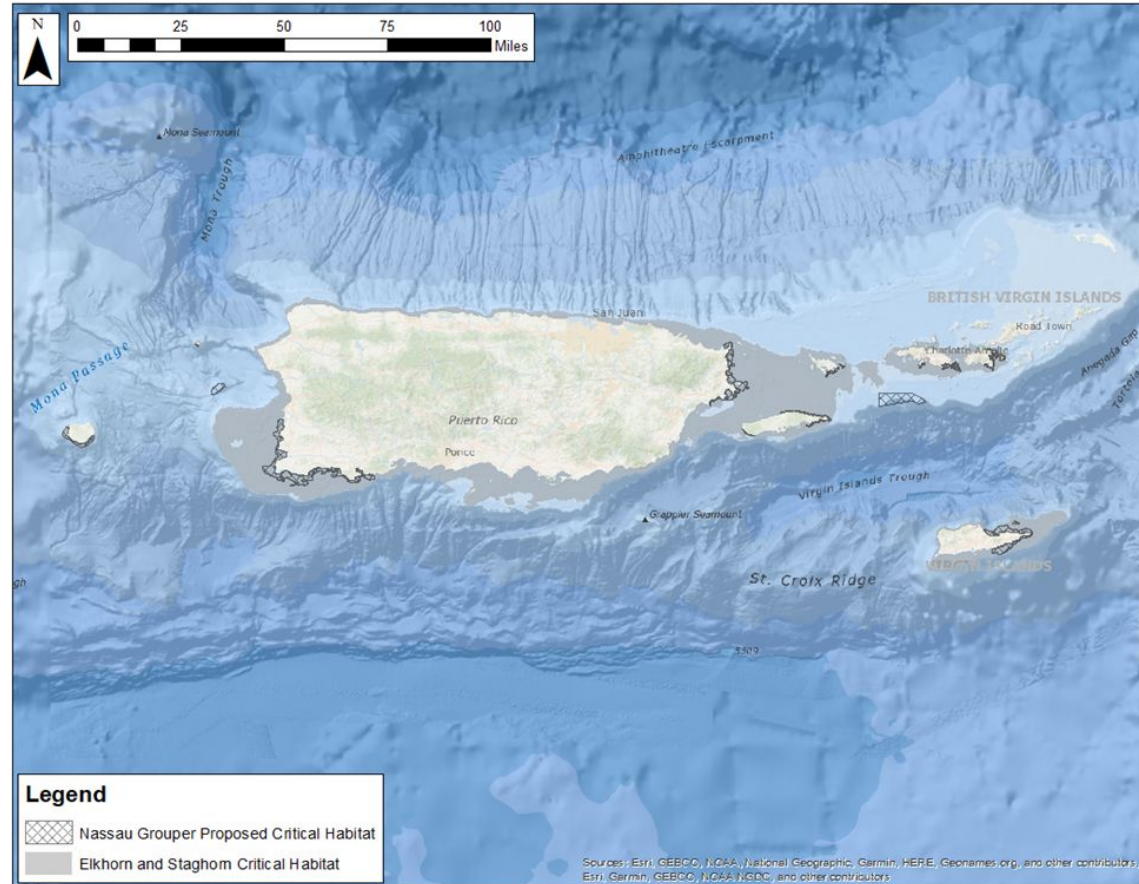


# Proposed Critical Habitat - U.S. Virgin Islands





# Overlap with Coral Critical Habitat



# Proposed Rule - Economic Analysis

- **Total Impacts:** Total present value impacts projected to be \$380,000 (2022\$) over the next ten years (\$54,000 annualized).
- **By Activity:** In-water and construction activities account for 46% of total impacts. Other categories: water quality management (12%), military (11%), scientific research and monitoring (11%), fishery management (9%), and protected area management (7%).
- **By Unit:** Florida units combine to account for 53% of total costs, followed by Puerto Rico units (29%) and USVI units (14%).
- **IRFA (impact to small entities):** No significant impacts to a substantial number of small entities. Under two scenarios with conservative assumptions, impacts per small entity as a % of avg. annual revenue < 1%.

# Proposed Rule - Areas not included

- **Areas not included in critical habitat. Critical habitat does not include the following particular areas: Pursuant to ESA section 3(5)(A)(i)(I), all managed areas that may contain natural substrate but do not provide the quality of substrate essential for the conservation of the Nassau grouper. Managed areas that do not provide the quality of substrate essential for the conservation of the species are defined as particular areas whose consistently disturbed nature renders them poor habitat. These managed areas include specific areas where the substrate has been disturbed by planned management authorized by local, state, or Federal governmental entities at the time of critical habitat designation, and will continue to be periodically disturbed by such management. Examples include, but are not necessarily limited to, dredged navigation channels, shipping basins, vessel berths, and active anchorages.**

# Submit Public Comment (Closes December 16, 2022)

You may submit comments, information, or data on this document, identified by the code NOAA-NMFS-2022-0073 by any of the following methods:

- *Electronic Submissions*: comments via the Federal eRulemaking Portal. **Go to [www.regulations.gov](https://www.regulations.gov) and enter NOAA-NMFS-2022-0073 in the Search box.** Click on the “Comment” icon, complete the required fields, and enter or attach your comments.
- *Mail*: NMFS, Southeast Regional Office, % Patrick Opay, 263 13th Avenue South, St. Petersburg, FL 33701;

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, might not be considered by NOAA Fisheries.

All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](https://www.regulations.gov) without change.



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