



66 CORAL SPECIES TO BE LISTED UNDER THE ENDGANGERED SPECIES ACT

COMMENTS DUE APRIL 6, 2013

The Issue:

NOAA's National Marine Fisheries Service published a detailed proposal to list 12 coral species as "Endangered" and 54 coral species as "Threatened" under the Endangered Species Act (ESA). Copies of relevant documents can be found at:

www.nmfs.noaa.gov/pr/species/invertebrates/corals.htm

www.nmfs.noaa.gov/stories/2012/11/82corals.html

The Impact:

A listing as "Endangered" eliminates virtually all activities involving those species, including captive mariculture and hobby activities. Those listed as "Threatened" will also be subject to yet unspecified regulatory regimes that NOAA will adopt at a later stage. An ESA listing also raises a number of issues under the Convention on Trade in Endangered Species (CITES) which already covers the corals in the NMFS proposal.

PIJAC Position:

To list a species under the ESA, NMFS must find, based upon the "best available science," that the following factors justify listing as threatened or endangered:

1. The present or threatened destruction, Modification, or curtailment of the species range;
2. Overutilization for commercial, recreational, scientific, or educational purposes;
3. Disease predation;
4. The inadequacy of existing regulatory mechanisms; and
5. Other natural or man-made factors affecting species' continued existence.

A close reading of the proposal reveals that NMFS, by its own admissions, has little to no data on the coral species as it relates to coral population abundance, productivity, or trend data. In a number of instances the extremely limited data that does exist is not reflective of the species across its entire range. NMFS acknowledges that much of the desired species-specific information was unavailable so the evaluation team had to “extrapolate” to achieve the data necessary to justify its position. NMFS also uses “Climate Change” as a proxy for predicting endangered/threatened status sometime in the future!

The following talking points are provided for concerned parties to prepare comments in their own words when preparing their comments:

Lack of Data on Species Abundance: Existing scientific studies do not provide sufficient information on coral species to predict their responses to threats.

- NOAA acknowledges the lack of scientific information about individual species, in both its Notice of Proposed Listing and in the underlying Status Review Report and Supplemental Information Report.
- Accurate identification of coral species is important because a number of studies have demonstrated that different species react differently to threats such as bleaching, disease, and ocean acidification.

Abundance Estimates: Very little is known about the quantitative abundance of most of the proposed species, leading NOAA to rely on the qualitative abundance descriptions provided by the IUCN. However, these descriptions clearly indicate that species-specific data does not exist and relies on undocumented “habitat loss” as a proxy to indicate status which does not suffice to support a listing determination.

- Accurate abundance estimates depend on accurate descriptions of coral species. Genetic studies will provide much more accurate and complete descriptions, and genetic tools capable of generating this data are advancing rapidly.
- NOAA’s qualitative description of species abundance, reliant on the IUCN Red List descriptions, provides insufficient information on which to base an ESA listing.
- Some scientists, including some whose work supports NOAA’s proposal, suggest that NOAA’s conclusions about several abundance estimates are incorrect.

Extinction Risk: The Biological Review Team’s means of assessing extinction risk creates more uncertainty than it resolves.

- Due to the lack of scientific information, the discussion of threats is overly generalized and fails to account for significant variations in how coral species respond to threats.
- The qualitative Critical Risk Threshold approach was chosen due to the lack of scientific data that would have been necessary for a quantitative analysis. However, the resulting projections about extinction risk are consequently subjective and uncertain.
- NOAA has failed to consider local and regional management and restoration efforts, which enhance coral survival and resiliency.

Other Effects of Listing: Listing will result in increased regulation under CITES, which will have two important negative effects on corals.

- Increased regulation will make international trade of corals impossible or extremely burdensome, which will dissuade mariculturists, hobbyists, and others who currently propagate corals.
- CITES regulations will also prevent much of the trade necessary for international coral research, which will have the unfortunate effect of slowing the research necessary to better understand coral species and their responses to threats.

Recommended Action:

PIJAC urges people involved with the ornamental marine trade and hobby to not only submit their personal comments, but also forward this *PetAlert* to others involved with marine organisms, marine products, and marine retailers. **COMMENTS MUST BE SUBMITTED BY APRIL 6, 2013. See below for instructions on how and where to submit your comments.**

Comments should include a brief description of your involvement with coral activities. Your comments should be in your own words – do not simply copy the talking points.

Comments should be addressed to:

Regulatory Branch Chief
Protected Resources Division
National Marine Fisheries Service
Pacific Islands Regional Office
1601 Kapiolani Blvd.
Honolulu, HI 96814
Attn: 82 Coral Species Proposed Listing

Or

Assistant Regional Administrator,
Protected Resources,
National Marine Fisheries Service,
Southeast Regional Office,
263 13th Avenue South,
Saint Petersburg, FL 33701,
Attn: 82 coral species proposed listing

- **Electronic Submission:** Submit all electronic public comments **NO LATER THAN APRIL 5** via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter NOAA-NMFS-2010-0036 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line. Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only. **E-submissions must be filed by 11:59 pm EDT on April 5 when the system shuts down. If you encounter problems filing electronically FAX and mail a copy.**
- **Mail:** Submit written comments to Regulatory Branch Chief, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814; or Assistant Regional Administrator, Protected Resources, National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, Saint Petersburg, FL 33701, Attn: 82 coral species proposed listing. **Must be postmarked no later than April 6 and to be safe send April 5.**
- **Fax:** 808-973-2941; *Attn:* Protected Resources Regulatory Branch Chief; or 727-824-5309; *Attn:* Protected Resources Assistant Regional Administrator.

Postal or Fax Submissions: If responding by mail, make sure the envelope is postmarked/date stamped on or before April 6. PIJAC recommends that you also FAX a copy to NMFS.

For any questions about this proposal and responding to it, contact PIJAC at info@pijac.org or Marshall Meyers at marshall@pijac.org.