

Southeast Regional Office (SERO), Protected Resources Division (PRD)
Briefing for March 2025 SAFMC Meeting

Endangered Species Act (ESA) Actions Related to Listing, Recovery, and Rulemaking:

Draft Giant Manta Ray Recovery Plan and 5-Year Review [No Updates]

- On October 15, 2024, NOAA Fisheries announced the availability of a Draft Recovery Plan for the threatened giant manta ray (*Mobula birostris*) and also the initiation of a 5-year review for the species ([89 FR 82991](#)). The Draft Recovery Plan and supporting documents, including the Recovery Status Review and the Draft Recovery Implementation Strategy, are available [here](#).
- NOAA Fisheries solicited review and comment from the public and all interested parties on the Draft Recovery Plan through December 16, 2024. To ensure that the 5-year review is complete and based on the best available scientific and commercial information, NOAA Fisheries also solicited new information concerning the status of the giant manta ray.
- Six public submissions of information were submitted and are available [here](#).
- NOAA Fisheries is reviewing the comments and information on the draft plan and will update the plan accordingly. Comments and information submitted will also be considered in the 5-year review, as applicable.

Oceanic Whitetip Shark 5-Year Review [No Updates]

- On July 11, 2024, NOAA Fisheries announced the initiation of a 5-year review for the oceanic whitetip shark (*Carcharhinus longimanus*) (89 FR 56865).
- NOAA Fisheries is required by the ESA to conduct 5-year reviews to ensure that the listing classification of a species as threatened or endangered under the ESA is accurate. This is the first review of this species pursuant to this provision of the ESA since it was listed in 2018 under the ESA.
- NOAA Fisheries accepted information relevant to the 5-year review submitted through September 9, 2024. Public submissions of information are available [here](#).

Oceanic Whitetip Shark Proposed 4(d) Rule [No Updates]

- On May 14, 2024, NOAA Fisheries published a proposed rule to issue protective regulations under section 4(d) of the Endangered Species Act (ESA) for the conservation of the threatened oceanic whitetip shark (*Carcharhinus longimanus*) ([89 FR 41979](#)). The proposed regulations would apply all of the ESA Section 9 prohibitions (pertaining to take) for endangered species to this threatened species, with limited exceptions for scientific research and law enforcement activities that contribute to the conservation of the species.
- In that same Federal Register Notice, NOAA Fisheries also announced the availability of a draft environmental assessment (EA) that analyzes the environmental impacts of promulgating these regulations.
- The comment period is now closed. NOAA Fisheries received over 49,000 comments on the proposed protective regulations for the oceanic whitetip shark from the public and interested parties from May 14, 2024 to September 15, 2024.

- NOAA Fisheries will consider all relevant information, comments, and recommendations received before reaching a final decision on ESA section 4(d) regulations for the oceanic whitetip shark.
- Additional information on conservation and management for oceanic whitetip sharks may be reviewed [here](#).

Proposed Rule to Designate Marine Critical Habitat for Six Distinct Population Segments (DPSs) of Green Sea Turtles in U.S Waters [No Updates]

- On July 19, 2023, NOAA Fisheries published a proposed rule to designate new areas of critical habitat and modify existing critical habitat for threatened and endangered distinct population segments (DPSs) of the green sea turtle (*Chelonia mydas*), in areas under U.S. jurisdiction, pursuant to the ESA (88 FR 46572).
- In 2016, NOAA Fisheries and the USFWS listed distinct population segments (DPSs) of green sea turtles, which triggered the requirement to designate critical habitat to the maximum extent prudent and determinable for DPSs in areas under U.S. jurisdiction.
- For the green sea turtle North Atlantic DPS, NOAA Fisheries is proposing to designate marine critical habitat in: (1) nearshore waters (from the mean high water line to 20 meters depth) off the coasts of Florida, Texas, North Carolina, and Puerto Rico.; and (2) Sargassum habitat (from 10 meters depth to the U.S. Exclusive Economic Zone) in the Gulf of Mexico and Atlantic Ocean. NOAA Fisheries is also proposing to modify designated critical habitat in the coastal waters surrounding Culebra Island, Puerto Rico; however, this critical habitat designation remains in effect during this rulemaking process.
- NOAA Fisheries and the US Fish and Wildlife Service (USFWS) share jurisdiction of sea turtles under the Endangered Species Act. The USFWS overseeing their protection and recovery on nesting beaches, and NOAA Fisheries providing oversight in the marine environment.
- The U.S. Fish and Wildlife concurrently proposed to designate terrestrial critical habitat for green sea turtle DPSs (88 FR 46376)
- NOAA Fisheries and U.S. Fish and Wildlife hosted public hearings to receive comments on these proposed designations. The public comment period closed on October 17, 2023.
- NOAA Fisheries and US Fish and Wildlife received many public comments on their proposed marine and terrestrial critical habitat designations (over 45,000 comments combined). NOAA Fisheries will publish the final rule to designate critical habitat as soon as possible.

ESA Section 7-Related Actions and Other ESA Species News

Reinitiation of Section 7 Consultation on Southeast Shrimp Fisheries Managed under the MSA in the Gulf of Mexico and South Atlantic Region [Updated]

- Reinitiation of Section 7 consultation on the authorization of the southeast shrimp fisheries managed under the MSA and implementing regulations is needed to address giant manta ray

unanticipated mortalities in shrimp trawls and new information on both giant manta rays and smalltooth sawfish.

- At the recent Gulf Council's Standing and Shrimp Scientific and Statistical Committee meeting, the Southeast Fisheries Science Center presented two new reports that contain key information needed for reinitiating of consultation: an updated population viability model for smalltooth sawfish and new shrimp trawl bycatch estimates for both smalltooth sawfish and giant manta ray. The presentations are available [here](#) under agenda items VIII and IX.
- The new reports and additional information pertaining to reinitiation will be shared with the Gulf Council at their August meeting and the SAFMC September meeting.

Snapper Grouper FMP Reinitiation to Address Giant Manta Rays and Oceanic Whitetip Sharks [No Updates]

- SERO PRD is amending the previous 2016 Opinion to evaluate the effects of the fisheries on giant manta rays and oceanic whitetip sharks. Our information suggests that (2) giant manta rays are likely to be adversely affected by the authorization of federal snapper-grouper fisheries and (2) oceanic whitetip sharks are not likely to be adversely affected.
- SERO PRD recruited a Section 7 consultation biologist from the Greater Atlantic Regional Office to draft the amendment; SERO PRD is currently review the draft.

Coastal Migratory Pelagic Resources (CMP) Fishery Management Plan Consultation Reinitiation Evaluation [No Updates]

- ESA section 7 regulations (50 CFR §402.16) require reinitiation of consultation if specific new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered.
- The Southeast Regional Office is evaluating new information available on recreational cobia fishery interactions with giant manta rays off the east coast of Florida (see earlier information on Braun et al. (2024)) relative to the current biological opinion on the FMP determine if reinitiation of formal Section 7 consultation on the Gulf and South Atlantic CMP FMP is warranted.

Dolphin Wahoo FMP Consultation [No updates]

- With assistance from Council staff, SERO SFD in the role of action agency developed a draft biological assessment for the consultation on the fishery using information from Dolphin Wahoo FMP Amendment 10.
- SERO PRD recruited a Section 7 consultation biologist from the Greater Atlantic Regional Office who has completed a partial draft of the Dolphin-Wahoo consultation. SERO PRD staff are reviewing the sections drafted and working to determine next steps for completing the draft.

Marine Mammal Protection Act (MMPA) Actions and Other MMPA News

North Atlantic Right Whale Unusual Mortality Event (UME) [Updated]

- Elevated North Atlantic right whale mortalities began in 2017 and triggered the declaration of an Unusual Mortality Event. From 2017 to date, there have been 157 documented dead, serious, or sublethal injuries or illnesses. The leading category for the cause of death for this UME is "human interaction," specifically from entanglements in fishing gear or vessel strikes. More information can be found [here](#).

North Atlantic Right Whale 2024 - 2025 Calving Season [New]

- From November to April, field teams search for right whales by plane and boat in their calving grounds in the Southeast U.S., from North Carolina to Florida. Aerial teams document and identify whales from above, while vessel-based teams collect images for identification, conduct health assessments, and collect biopsies for genetic and health research. These critical monitoring efforts would not be possible without the dedication of our field teams and partner network.
- Four aerial survey teams flew 232 surveys this winter from November 15, 2024 to April 15, 2025. This monumental effort from North Carolina to Florida resulted in 170 different sightings of nearly 350 whales. There were almost 100 individual whales identified (nearly a quarter of the population) in the Southeast this year! There were whales of all demographics including moms and calves, previously reproductive females, females who were old enough to calve but who have not yet been seen with a calf, males, and juveniles and yearlings! There were 11 new calves identified this year, most of which have already been seen up in the Northeast. We also had an adventurous pair of females, Koala #3940 and Curlew #4190, who traveled south of Cape Canaveral, into the Gulf, up to the Florida Panhandle and Alabama, down to Southwest Florida, back to the upper Gulf, back down to St. Pete, and then were seen a few days later in the Bahamas! Since their journey throughout the Southeast, Koala and Curlew were the first animals of the season seen in the Canadian Gulf of St. Lawrence.
- More information on the 24/25 North Atlantic right whale calving season can be found [here](#).

Atlantic Large Whale Take Reduction Team [Updated]

- There are a series of ALWTRT informational webinars scheduled throughout the summer on topics such as on-demand gear research, right whale monitoring and detection, and the WHALE Decision Support Tool. Information and registration for upcoming 2025 meetings and recordings of previous meetings can be found [here](#).
- The MAFMC and the NEFMC have a collaborative on-demand effort through the [New England Council's On-Demand Fishing Gear Conflict Working Group](#).

Longline Take Reduction Plan [Updated]

- Outreach to all Pelagic Longline Permit holders in the North Carolina Fisheries Association weekly update on the terminal gear requirements and mainline length restrictions contained in the amended Pelagic Longline Take Reduction Plan.

Bottlenose Dolphin Take Reduction Plan [No Updates]

MMPA List of Fisheries [No Updates]