

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

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

*Pillar Coral ESA Reclassification to Endangered Status Final Rule [NEW]*

- On January 17, 2025, NOAA Fisheries published a final rule in the Federal Register changing the status of pillar coral (*Dendrogyra cylindrus*) from threatened to endangered under the ESA (89 FR 101993).
- We considered the 5-year review of the status of, expert reviewer comments, and public comments submitted on the proposed rule. Based on this information, we determined that the species is in danger of extinction throughout all or a significant portion of its range.
- The original effective date of this change was February 18, 2025. In accordance with the memorandum of January 20, 2025, from President Donald J. Trump, entitled “Regulatory Freeze Pending Review,” the effective date of this final rule will be delayed to March 21, 2025.

*Draft Giant Manta Ray Recovery Plan and 5-Year Review [Updated]*

- 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.

*Giant Manta Ray ESA Section 4(d) Rule Development [No Updates]*

- NOAA Fisheries is considering developing protective regulations under section 4(d) of the ESA for giant manta ray to manage activities to help preserve and recover the species. Regulations under section 4(d) of the ESA can extend some, or all, of the section 9 “take” prohibitions to threatened species. The term “take” means to harass, hunt, shoot, capture, trap, kill, collect, wound, harm, or pursue an ESA-listed species, or attempt any of these activities.
- If a proposed rule is developed, NOAA Fisheries would publish it in the Federal Register and solicit public comments under the normal rulemaking process.
- More information on 4(d) rules is available [here](#).

*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**

### *New Information Available on Giant Manta Ray Important Habitat and on Recreational Cobia Fishing Impacts [No Updates]*

- The east coast of central and northern Florida (between Indian River Lagoon and the Florida/Georgia border) may serve as an important reproductive and feeding habitat for giant manta rays ([Pate 2024](#)). The recreational anglers who target cobia in this region do so by seeking out the manta rays that cobia often follow and associate with, and casting at or near them. [Braun et al. \(2024\)](#) documents that this activity is resulting in the entanglement, injury, and disturbance to giant manta rays in this region.
- The study found that 86% of anglers interviewed had either hooked or their charters had hooked manta rays while targeting cobia and 93% had observed manta rays with hooks and training lines. Also concentrated vessel activity near giant manta rays is a vessel strike concern; anglers have reported seeing an average maximum of 22 boats (range: 1-50) surrounding a single ray or group of manta rays at the same time (Braun et al. 2024).

### *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.

### *Reinitiation of Section 7 Consultation on Southeast Shrimp Fisheries Managed under the MSA in the Gulf of Mexico and South Atlantic Region [No Updates]*

- 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.

- In December 2023, an updated population viability model for smalltooth sawfish was published: <https://www.sciencedirect.com/science/article/pii/S2351989423003803>). This new information was presented to the SAFMC Shrimp Advisory Panels (AP) in April.
- SERO PRD presented an update on the consultation at the August Gulf Council meeting and that presentation is available [here](#).
- We anticipate completing the consultation reinitiation package early 2025. We will continue to collaborate with, and keep updated, both the GMFMC and SAFMC during this development.

*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.

*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**

*Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule [Updated]*

- On January 16, 2025, NMFS withdrew ([90 FR 4711](#)) its proposed rule ([87 FR 46921](#), August 1, 2022) to amend the 2008 North Atlantic right whale (*Eubalaena glacialis*) vessel speed regulations. The proposed rule was intended to further reduce the likelihood of mortalities and serious injuries to endangered North Atlantic right whales from vessel collisions, which are impeding the species' recovery and are a primary factor in an ongoing Unusual Mortality Event. The amendments would have: 1) expanded the size class of regulated vessels subject to applicable vessel speed restrictions, 2) enlarged the boundaries and extended the timing of seasonal speed zones, 3) introduced mandatory dynamic (i.e., temporary) speed zones when right whales were known to be present outside of active seasonal zones, 4) clarified language related to enforcement of the rule, and 5) updated the safety deviation provision and reporting requirements.

*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 151 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](#).

*Atlantic Large Whale Take Reduction Team [Updated]*

- NOAA Fisheries is developing a draft plan for meetings in 2025 with the goal of the Team making recommendations for additional measures to reduce entanglement risk. There was a December 20, 2024 [webinar](#) on Population, Entanglements, Council Actions, Enforcement Activities, and Risk Reduction. Information about upcoming 2025 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](#).

*Bottlenose Dolphin Take Reduction Plan [Updated]*

- In-person meeting likely scheduled for late 2025 or early 2026.
- Team membership is currently being updated to replace or add additional seats in areas of the Mid-Atlantic to ensure adequate expertise and representation given dolphin bycatch trends in and around the Chesapeake Bay area.

*MMPA List of Fisheries [Updated]*

- NOAA Fisheries hosted an informational webinar on the MMPA and the List of Fisheries (LOF) on November 19, 2024 at 3:30pm.
- The public comment period for the 2025 LOF closed on December 1st. The final rule is anticipated to be published in early 2025.

*Pelagic Longline Take Reduction Plan (PLTRP) [Updated]*

- Hook and gangion (terminal gear) requirements contained in 50 CFR 229.36(d) of the amended PLTRP went into effect January 1, 2025.
- The final rule to amend the PLTRP can be found [here](#).

*Marine Mammal Stock Assessment Reports (SARs) [Updated]*

- The 2023 marine mammal SARs are final and were published on December 26, 2024.
- The federal register notice can be found [here](#).