

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

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

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

- 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.
- The giant manta ray draft recovery plan published and public comment is closed. Six public submissions of information were submitted and are available [here](#). A letter from SSA was received and will be considered in the development of the final recovery plan.
- The National Giant Manta Ray Recovery Coordinator has retired, and this position is currently unfilled. We hope to pick back up work on this recovery plan and address public comment sometime in 2026.

Oceanic Whitetip Shark Proposed 4(d) Rule [Updated Timing]

- 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.
- NOAA Fisheries, Office of Protected Resources (Headquarters), is leading this rulemaking process; however, due to staffing reductions and competing priorities, the development of the final is delayed.
- 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).
- Final designation by NOAA Fisheries and the U.S. Fish and Wildlife Service is pending, and not anticipated by the end of this year.

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 Gulf Council August meeting, SERO PRD presented a review of ESA Section 7 requirements and key summary data on smalltooth sawfish and giant manta ray assembled for the reinitiation of Section 7 consultation compiled over the past two years. SERO PRD also presented paths forward for collaboration and advancing the consultation, consistent with the October 2024 ESA/Magnuson-Stevens Act policy directive. The Gulf Council passed a motion to populate and convene a new working group comprised of shrimp harvesting sector representatives, NMFS staff, Council staff, SSC member, researchers, and others to identify

workable solutions that aim to reduce interactions with smalltooth sawfish and giant manta ray in the Gulf federal shrimp trawl fishery.

- PRD will present to SAFMC's Shrimp Committee during their September meeting.

Snapper Grouper FMP Reinitiation to Address Giant Manta Rays and Oceanic Whitetip Sharks [Updated Timing]

- 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 working to finalize the draft and anticipates starting the review process before the end of the year.

Coastal Migratory Pelagic Resources (CMP) Fishery Management Plan Consultation Reinitiation Evaluation [Updated]

- 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.
- SERO 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 the data triggers reinitiation of formal Section 7 consultation on the Gulf and South Atlantic CMP FMP. The feedback received by the CMP and its AP indicated the practice of targeting cobia via casting directly towards at giant manta rays is predominately a nearshore state waters practice. SERO will be completing and documenting its evaluation soon and will share its reinitiation finding with the SAFMC once completed.

Dolphin Wahoo FMP Consultation [Updated Timing]

- 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 completed a partial draft of the Dolphin-Wahoo consultation. However, due to staffing reductions and competing Section 7 fishery consultation priorities, SERO PRD does not anticipate completing this consultation before the end of the year.

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

North Atlantic Right Whale Unusual Mortality Event (UME) [No Updates]

- 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 2025 - 2026 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.
- Important reminders for mariners who may be operating in right whale habitat during the upcoming new calving season:
 - Information about current vessel speed restrictions and seasonal management areas (SMAs) can be found [here](#).
 - Information about dynamic management areas (DMAs) can be found [here](#). You can also sign up for [email or text notifications](#) about the latest Right Whale Slow Zones in your area.
 - When operating in right whale habitat:
 - Post a lookout- right whales can be difficult to spot. Watch for black objects, whitewater, and splashes. Avoid boating in the dark, when visibility is poor, or in rough seas.
 - Go slow - this may give you time to react, especially since right whales can be difficult to spot.
 - If you see a right whale:
 - Slow down - operate at a slow speed or put your engine in neutral if possible. Assess the scene and slowly leave the area while keeping watch.
 - Give space - 500 yards or more (it's the law).
 - Report all sightings - call 877-WHALE-HELP ((877) 942-5343) or to the U.S. Coast Guard via channel 16.
 - Include the date, time of day, location (e.g., latitude and longitude, or proximity to a landmark), your contact information, and any other details or documentation about the observation including the number of whales and a description of what you saw (shape of the tail, flippers, or head). Photos and videos are particularly helpful, if taken from a safe distance.

Atlantic Large Whale Take Reduction Team [Updated]

- GARFO staff have been continuing to work with the MAFMC and the NEFMC on a collaborative on-demand effort through the [New England Council's On-Demand Fishing Gear Conflict Working Group](#).

Pelagic Longline Take Reduction Plan [No Updates]

Bottlenose Dolphin Take Reduction Plan [No Updates]

MMPA List of Fisheries [No Updates]

Marine Mammal Stock Assessment Reports [No Updates]