



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 260515-0132]

RIN 0648-BN53

Atlantic Highly Migratory Species; Prohibit Retention of Mobulid Rays in Fisheries for Atlantic Highly Migratory Species

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, NMFS is changing regulations to implement the binding International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation 24-12 on mobulid rays of the family Mobulidae. Specifically, this action prohibits retention of mobulid rays in fisheries for Atlantic highly migratory species (HMS), requires mobulid rays to be released unharmed in HMS fisheries, and implements mobulid ray handling practices for vessels fishing with pelagic longline gear.

DATES: This final rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Additional information related to this final rule, including electronic copies of the supporting documents are available from the HMS Management Division website at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species> or by contacting Carrie Soltanoff (see **FOR FURTHER INFORMATION CONTACT** section below).

FOR FURTHER INFORMATION CONTACT: Carrie Soltanoff at carrie.soltanoff@noaa.gov, or by phone at 301-427-8503.

SUPPLEMENTARY INFORMATION:

Federal Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS are defined at section 3(21) of the Magnuson-Stevens Act (see 16 U.S.C. 1802(21)) and the provisions for their management are at section 304(g)(1) (see 16 U.S.C. 1854(g)(1)). ATCA is the implementing statute for binding recommendations of ICCAT. HMS implementing regulations are at 50 CFR part 635.

NMFS has prepared a comprehensive document that presents the alternatives considered for this final rule and analyzes their anticipated environmental, social, and economic impacts. This supporting document consolidates the requirements of a number of Federal statutes and executive orders and includes, among other sections, a Final Environmental Assessment (EA), Regulatory Impact Review (RIR), and Final Regulatory Flexibility Analysis (FRFA). A brief summary of background information and the alternatives considered is provided below. Additional information regarding this action and HMS management overall can be found in the supporting document, the HMS FMP and its amendments, the annual HMS Stock Assessment and Fishery Evaluation (SAFE) Reports, and online at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>.

Statutory Authority

Under section 971d(c)(1)(A) of ATCA, NMFS must promulgate such regulations as may be necessary and appropriate to carry out binding recommendations of ICCAT. Further, regulations promulgated shall, to the extent practicable, be consistent with FMPs prepared and implemented under the Magnuson-Stevens Act (see section 971d(c)(1)(C)).

Additionally, the Magnuson-Stevens Act requires measures in an FMP such as the HMS FMP to be consistent with regulations implementing recommendations by international organizations, as well as the national standards (see section 303(a)(1)(C) or 16 U.S.C. 1853(a)(1)(C)). National Standard 9 requires that conservation and management measures shall, to the extent practicable: (A) minimize bycatch (as defined at 16 U.S.C. 1802(2)); and, (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch (see section 301(a)(9) or 16 U.S.C. 1851(a)(9)). Section 305(d) provides for the promulgation of such regulations as may be necessary to implement an FMP such as the HMS FMP and would help ensure that the HMS FMP is implemented consistently with the ICCAT recommendation, as well as National Standard 9 (see section 305(d) or 16 U.S.C. 1855(d)).

Background

On August 22, 2025, NMFS published a proposed rule (90 FR 41024) and released a draft of the supporting document, which included a Draft EA, RIR, and Initial Regulatory Flexibility Analysis (IRFA). The proposed rule and supporting document contain background information relevant to this action and are not repeated here. The comment period for the proposed rule closed on September 22, 2025. NMFS received 19 written comments during the proposed rule public comment period, as well as comments during a public hearing webinar and an HMS Advisory Panel meeting. The comments received, and the responses to those comments, are summarized in the **Response to Comments** section.

In this action, consistent with ICCAT Recommendation 24-12, NMFS prohibits retention of mobulid rays of the family Mobulidae in HMS fisheries, requires mobulid rays to be released unharmed in HMS fisheries, and implements mobulid ray handling and release practices for vessels fishing with pelagic longline gear. These measures are also consistent with National Standard 9, and for giant manta rays, the 2024 Draft

Recovery Plan and Draft Recovery Implementation Strategy under the Endangered Species Act (ESA) (<https://www.fisheries.noaa.gov/species/giant-manta-ray/conservation-management>). Additionally, in recent years, NMFS distributed recommended handling and release procedures to HMS permit holders that were consistent with the measures in this action. As described below, NMFS considered three alternatives for retention of mobulid rays and three alternatives for handling and release practices for mobulid rays. These alternatives included both no action and the selected alternatives. The purpose of this action is to protect mobulid rays and minimize their bycatch and bycatch mortality to the extent practicable in HMS fisheries, consistent with ICCAT Recommendation 24-12 and National Standard 9.

Prohibition on Retention of Mobulid Rays

In this action, NMFS prohibits retention of all mobulid rays in the family Mobulidae in all HMS fisheries, under Alternative A3. Vessels issued, or which should have been issued, any HMS permit, commercial or recreational, are prohibited from retaining, transshipping, landing, or storing any parts or whole carcasses of mobulid rays. Persons are prohibited from selling or purchasing any mobulid ray, a whole carcass or part thereof, that was caught by a vessel issued or required to be issued a permit for HMS.

These measures implement Recommendation 24-12, prohibiting retention of mobulid rays taken in association with ICCAT fisheries. Fisheries for tunas and tuna-like species (*i.e.*, swordfish and billfish) are considered to be ICCAT fisheries. These measures additionally prohibit retention of mobulid rays in fisheries for sharks. While fisheries for sharks are not ICCAT fisheries for tunas and tuna-like species, application of the measures for shark fisheries ensures consistent application, facilitates effective implementation, and provides clarity for the regulated community and for enforcement purposes. Applying this requirement in all HMS fisheries further implements measures in

the HMS FMP consistent with the national standards (specifically National Standard 9) and regulations implementing recommendations by international organizations, as required under the Magnuson-Stevens Act. Similarly, implementing a prohibition on sale or purchase of mobulid rays in addition to prohibiting their retention facilitates effective implementation and provides clarity for the regulated community and for enforcement purposes.

Researchers conducting research on mobulid rays need an exempted fishing permit or related permit (*e.g.*, scientific research permit, display permit) consistent with the regulations at § 635.32 exempting them from the mobulid ray regulations when conducting research or collection on any HMS-permitted fishing vessel. Researchers who interact with giant manta rays continue to need to consult with the NMFS Office of Protected Resources for any additional authorizations required under the ESA.

Handling and Release Practices for Mobulid Rays

In this action, NMFS requires vessels issued, or which should have been issued, any HMS permit to release unharmed, to the extent practicable, mobulid rays as soon as they are seen on the hook or at the vessel, under Alternative B2 (with additional requirements for pelagic longline vessels as described below). These measures implement Recommendation 24-12, requiring vessels to promptly release mobulid rays unharmed, to the extent practicable. Application of this requirement in all HMS fisheries, rather than only ICCAT fisheries for tunas and tuna-like species, ensures consistent application, facilitates effective implementation, and provides clarity for the regulated community and for enforcement purposes.

In addition, these measures align HMS fishery requirements with the giant manta ray handling and release procedures recommended after the ESA listing, which state that giant manta rays should be released in a manner that will promote their survival after any fishery interaction. Because these measures apply this requirement to all mobulid rays,

these measures also avoid any differing requirement among species of mobulid rays that could lead to mishandling of giant manta rays due to misidentification. The 2024 Recovery Status Review for Giant Manta Ray describes a high rate of misidentification between giant manta rays and other mobulid rays.

In this action, NMFS further requires vessels issued, or which should have been issued, an HMS permit and fishing with pelagic longline gear to disentangle and release, as safely as practicable, any hooked or entangled mobulid rays using dehookers or line clippers or cutters, under Alternative B3. When using a line clipper or cutter, the gangion is required to be cut so that less than 3 feet (91.4 centimeters (cm)) of line remains attached to the hook and, to the extent practicable, any line that is wrapped around the animal is removed. Handling requirements also state that mobulid rays must be left in the water, and no mobulid ray may be gaffed.

These measures implement the suggested best handling practices for the safe release of mobulid rays in Recommendation 24-12. In addition, these measures align HMS fisheries with aspects of the recommended giant manta ray handling and release procedures developed following the ESA listing. As these measures apply this requirement to all mobulid rays, these measures also avoid any differing requirement among species of mobulid rays that could lead to mishandling of giant manta rays due to misidentification. Further, requiring mobulid rays to be disentangled and either dehooked or cut off the line with a limited amount of line remaining attached to the hook facilitates the ability of NMFS observers and vessel captains or crew to identify and report which species of mobulid ray was involved in the interaction. The requirement to cut the gangion so that less than 3 feet (91.4 cm) of line remains attached to the hook is consistent with handling and release requirements for shark bycatch on pelagic longline gear (see § 635.21(c)(6)(i)).

Other Alternatives Analyzed

In addition to the measures described above, in the supporting document for this action, NMFS analyzed two no action alternatives (Alternatives A1 and B1) that would maintain the status quo in HMS fisheries. NMFS did not select the no action alternatives because they do not meet the objectives of the rule. The supporting document also describes the impacts of one other alternative. Alternative A2 would prohibit retention of mobulid rays in fisheries for tunas and tuna-like species. NMFS did not select Alternative A2 because, while it would implement Recommendation 24-12, application of this measure in some HMS fisheries and not others (*i.e.*, fisheries for sharks) could lead to issues related to inconsistent application, complicate implementation, and cause confusion or complications for the regulated community and for enforcement purposes.

Response to Comments

NMFS received 19 written comments from individual members of the public. All written comments can be found at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0015>. NMFS also received verbal comments from the HMS Advisory Panel and on a public hearing webinar. Below, NMFS summarizes and responds to the comments made on the proposed rule during the comment period.

Comment 1: NMFS received multiple comments in support of implementing the alternatives that were preferred in the proposed rule. Commenters supported domestic implementation of ICCAT Recommendation 24-12 and adopting regulations in alignment with National Standard 9 and ESA commitments. Commenters supported including the entire family Mobulidae in the regulations. Commenters further supported applying the retention prohibition in all HMS fisheries to avoid inconsistent application, confusion, and complications with respect to enforcement. Commenters stated that, since bycatch practices are already in place for sharks, extending them to include rays would require minimal effort and resources and cause minimal disturbance in HMS fisheries. NMFS received several comments stating that mobulid rays need to be protected as proposed in

this action since populations are in decline worldwide due to their conservative life histories and vulnerability to threats such as targeted fishing, bycatch mortality, vessel strikes, and the impacts of chemical and plastic pollutants. Additionally, the aggregative behavior and surface-feeding habits increase their risk of capture.

Response 1: In this final rule, NMFS is finalizing and implementing the proposed preferred alternatives. Rationale for the selected management measures can be found above in this final rule and a description of the population status of mobulid rays can be found in the supporting document.

Comment 2: NMFS received comments on current fishery practices and observations. One commenter noted that the requirements under the action would be consistent with current practices in the pelagic longline fishery, where they see mobulid rays on occasion. One commenter stated that manta rays do not get hooked on bottom longline gear, but they have seen one instance of a mobulid ray found tangled in the line. Observations were relayed about interactions in the U.S. Caribbean and for markets for mobulid ray meat in other parts of the Caribbean, as well as interactions around Florida, particularly in the cobia fishery.

Response 2: NMFS appreciates these comments on current fishery practices, which are consistent with descriptions of fishery interactions in the 2024 ESA Recovery Status Review for giant manta ray and in the Affected Environment chapter of the supporting document for this action.

Comment 3: NMFS received a comment opposing implementing regulations regarding mobulid ray retention. The commenter stated that there is no need to allocate resources toward enforcement of such regulations since there is currently no fishery for mobulid rays or value in mobulid ray retention, and that regulations and enforcement would be a burden on fishermen.

Response 3: NMFS agrees that there is currently no fishery for mobulid rays and that mobulid rays are a bycatch and not a target species. In support of this, NMFS notes that it does not have records of sale of mobulid rays from HMS fisheries in Atlantic HMS dealer data. However, the lack of a current fishery does not indicate that a fishery for mobulid rays is not possible in the future without restrictions against it. Furthermore, maintaining the status quo and not implementing regulations regarding mobulid ray retention would not meet the purpose and need for this action to implement binding ICCAT Recommendation 24-12, which prohibits the retention of mobulid rays in ICCAT fisheries. As described in the supporting document, there are potential benefits to implementing binding ICCAT recommendations, including avoiding being identified for noncompliance by the ICCAT Compliance Committee. Compliance could also positively affect public perception of HMS fisheries and influence decisions by consumers. Also, as described in the supporting document, fishermen are already required to disentangle protected species, such as turtles, and to release sharks with a maximum of 3 feet (91.4 cm) of trailing line. In the short term, fishermen may experience inefficiencies as they adjust to applying the existing handling and release practices when handling and releasing mobulid rays. However, NMFS expects that any resulting inefficiencies would be minimal and that fishermen would become adept in using these practices to release mobulid rays over time given they are adept at using similar practices to release sharks and protected species. Therefore, NMFS believes that Alternative A3 will likely result in neutral short-term and long-term social and economic impacts. NMFS also believes that, because there is no fishery for mobulid rays, and because the handling and release practices are the same as what is already required for other species, implementing this restriction would not result in a need for additional resources for enforcement.

Comment 4: NMFS received a comment that the ban on retention of mobulid rays should be extended to all U.S. fisheries.

Response 4: This comment is outside the scope of this rulemaking. This rulemaking and ICCAT Recommendation 24-12 address ICCAT and other Atlantic HMS fisheries.

Comment 5: NMFS received comments that States, territories, Regional Fishery Management Councils, and State Fisheries Commissions should adopt the measures proposed in this rulemaking. One commenter was further concerned that handling practices would not be required in the territorial waters of Puerto Rico or the U.S. Virgin Islands.

Response 5: This comment is outside the scope of this rulemaking, which is focused on Federal regulations for Atlantic HMS. However, NMFS does regularly raise changes in HMS regulations with partner organizations (*e.g.*, State governments, territorial governments, Fishery Management Councils represented on the HMS Advisory Panel, and the Shark Board of the Atlantic States Marine Fisheries Commission).

Regulations implemented under this action apply to the owners and operators of vessels issued any HMS permit—whether they are fishing in Federal, State, or territorial waters, or outside the U.S. EEZ—as a condition of the permit, unless the State or territory has more restrictive regulations that apply (see 50 CFR 635.4(a)(10)).

Comment 6: NMFS received comments regarding additional protections for giant manta ray. Some comments encouraged NMFS to implement protective regulations for the giant manta ray under the ESA section 4(d). One comment encouraged NMFS to improve the ESA Recovery Plan for Giant Manta Ray by developing a more comprehensive strategy that makes use of the extensive expertise available across the country. NMFS received further comments stating that the agency should fund and conduct studies of the post-release mortality of mobulid rays and notes that the HMS Biological Opinion proposes this research in the “Conservation Recommendations” section.

Response 6: These comments are outside the scope of this rulemaking. For more information on giant manta rays, any future regulations including those implemented under ESA section 4(d) by NMFS' Office of Protected Resources, and the Recovery Plan, please refer to the website: <https://www.fisheries.noaa.gov/species/giant-manta-ray/conservation-management>.

Comment 7: NMFS received a comment that Manta Trust's Manta and Devil Ray Safe Handling and Release Guidelines should be adopted and distributed to HMS fisheries.

Response 7: The handling and release requirements that NMFS is finalizing under Alternatives B2 and B3, in addition to the previous handling and release guidelines that NMFS has distributed in HMS fisheries, are largely consistent with Manta Trust's recommendations as applied to the gears authorized in HMS fisheries. NMFS will be distributing updated handling and release procedures in conjunction with this final rule.

Comment 8: NMFS received a comment that NMFS should remove the mention of the dehooker from Alternative B3, since the use of a dehooker can cause severe damage to the animal when a hook is deeply lodged or has been ingested, and further adapt the text in Alternative B3 in accordance with the longline section of Manta Trust's safe handling and release guidelines. NMFS received other comments supporting preferred Alternative B3 and stating that using dehookers, line clippers, or line cutters to safely release hooked or entangled mobulid rays from pelagic longline gear is beneficial to the species and should be required.

Response 8: NMFS is finalizing the use of dehooker devices as proposed under Alternative B3, in line with support from some commenters for including this device in the regulations. Additionally, NMFS' Office of Protected Resources reviewed the proposed rule for this action. Their suggested modifications strengthen the language regarding the requirement to disentangle mobulid rays and should ensure that the final

handling and release requirements will increase the likelihood of giant manta rays being released in a manner that minimizes post-release mortality. In their review, they did not suggest removing the possibility of using a dehooking device to help release the animal. Note that though this final rule requires the release of mobulid rays, it does not mandate the use of dehooker. Rather, a line clipper or line cutter can also be used. If the use of a dehooker would cause damage or prolong the safe release of a mobulid ray, NMFS encourages the use of the other tools. Dehookers and line clippers or cutters are both widely accepted tools for safe release of elasmobranch bycatch (see for example the best handling practices for mobulid rays in Annex 1 of Recommendation 24-12 and adoption of these tools for release of sharks under Amendment 5b to the HMS FMP), and the appropriate tool to use is situation specific.

Comment 9: NMFS received comments that research has shown that the mortality rate of mobulid rays in purse seine fisheries could be as high as 80 percent, that safe handling and release guidelines should be adopted for purse seine gear, and that communication between purse seine vessels and spotter helicopters can be effective in avoiding bycatch of mobulid rays. One comment further suggested that, based on studies on purse seine vessels, NMFS should require that vessels avoid interactions with mobulid rays when they are detected by the crew, and that mobulids rays be released as soon as they are caught, preferably, if feasible, before being brought on deck.

Response 9: NMFS no longer authorizes the use of purse seine gear in Atlantic HMS fisheries. Atlantic HMS fisheries (apart from harpoon fisheries for tuna and swordfish, which do not interact with mobulid rays) do not use spotter helicopters or airplanes that would be able to detect mobulid rays in advance. The handling and release regulations for pelagic longline gear under preferred Alternative B3 require vessels to release mobulid rays without removing them from the water. In addition, adding these requirements to Alternative B2 would go beyond what was adopted in ICCAT

Recommendation 24-12. Therefore, NMFS is finalizing Alternative B2 as proposed. Of note, ICCAT Recommendation 24-12 does include requirements and best practices specific to purse seine gear, applicable to countries with purse seine vessels.

Comment 10: NMFS received comments in support of allowing exempted fishing permits (EFPs) and related permits such as display permits under preferred Alternative A3, as the very small and limited number of mobulid rays collected for public display and research is sustainable and allows accredited zoos and aquariums the invaluable opportunity to learn and educate others about these species and their conservation needs. One commenter expressed concern that this action would restrict the existing HMS EFP program or the continued issuance of display permits for aquariums.

Response 10: In this final rule, NMFS is finalizing and implementing Alternative A3 as proposed. HMS EFPs or related permits such as display permits will be required when conducting mobulid ray research or collection on any HMS-permitted fishing vessel. Research or collection trips that take place on a vessel that is not an HMS-permitted fishing vessel will not require an HMS EFP or related permit for mobulid rays. Researchers who interact with giant manta rays will continue to need to consult with the NMFS Office of Protected Resources for any additional authorizations required under the ESA. No other changes will be made to the HMS EFP program or the issuance of HMS display permits or related permits.

Comment 11: NMFS received a comment that, in regions like the Caribbean and Florida, manta rays support ecotourism industries that are valued at millions of dollars annually.

Response 11: This comment is consistent with the economic environment described in the Affected Environment chapter of the supporting document for this action, noting, for example, manta ray watching in the Flower Garden Banks National Marine Sanctuary.

Comment 12: NMFS received a comment that a prohibition on retention may create a corresponding increase in regulatory discards and post-release mortality of the prohibited species, and that NMFS should therefore establish a means to accurately and precisely understand discard dynamics and patterns under the new rule, to monitor the effects of the proposed regulations. NMFS should specify the way that it intends to collect accurate and precise mobulid ray bycatch information, in all fisheries that have known or suspected catches of mobulid rays. The comment suggested measures including improving the quality of discard data and enhancing commercial monitoring using at-sea observer coverage and existing electronic monitoring to produce accurate and precise estimates of all mobulid ray bycatch in U.S. fisheries. The comment further suggested that NMFS create a public reporting portal for catch and discard information in recreational and commercial fisheries for real-time reporting, allowing fisheries to avoid times and areas with high mobulid ray catches.

Response 12: ICCAT Recommendation 24-12 includes monitoring and reporting requirements for mobulid rays. Specifically, Recommendation 24-12 requires ICCAT parties to report the number of mobulid ray discards and releases in ICCAT fisheries through their domestic observer programs, consistent with Recommendation 16-14, and report those data to ICCAT. These requirements are already met in HMS fisheries under existing regulations, reporting, and the observer program. Given this, NMFS is not adopting additional catch monitoring and reporting requirements in this action. Data collection in non-HMS fisheries is outside the scope of this rulemaking.

Comment 13: NMFS received a comment that the agency should require full-chain traceability for all catches of mobulid rays through the Seafood Import Monitoring Program and the Food and Drug Administration traceability rules, in order to close a loophole for any illegal catch of mobulid rays.

Response 13: This comment is outside the scope of this rulemaking. The purpose of this action is to implement ICCAT Recommendation 24-12, which prohibits the retention of mobulid rays caught in association with ICCAT fisheries, among other measures. For more information on the Seafood Import Monitoring Program, please refer to the website: <https://www.fisheries.noaa.gov/international/international-affairs/seafood-import-monitoring-program>.

Comment 14: NMFS received comments that a new species of mobulid ray, the Atlantic manta ray (*Mobula yarae*), was described by researchers at the Georgia Aquarium and accepted by the International Union for Conservation of Nature (IUCN) in 2025.

Response 14: The regulations under this action apply to any species of ray in the family Mobulidae, including all currently described or newly discovered species.

Comment 15: NMFS received comments that this action aligns with protection of the giant manta ray under the Cartagena Convention's Specially Protected Areas and Wildlife (SPA) Protocol. NMFS also received a comment that mobulid rays are listed as species to protect under the Convention on Migratory Species (CMS) and are listed under Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Response 15: The CITES listing of mobulid rays is described in the Affected Environment chapter of the supporting document for this action, updated with information from the 2025 Conference of the Parties to CITES. In the supporting document, NMFS has added the SPAW Protocol and CMS to the description of international management of mobulid rays in the Atlantic.

Comment 16: One commenter noted that mobulid rays are protected under Mexican law. Commenters noted that the Atlantic pygmy devil ray (*Mobula hypostoma*) and giant manta ray are listed as endangered by the IUCN.

Response 16: These comments are outside the scope of this rulemaking, which pertains to U.S. Atlantic HMS fisheries. However, ICCAT Recommendation 24-12 applies to all ICCAT parties, including Mexico. Note that NMFS does not base management actions on IUCN designations. The IUCN uses different criteria than applicable under the ESA for determining whether a species is threatened or endangered or for determining whether stocks are overfished or overfishing is occurring under the Magnuson-Stevens Act.

Comment 17: NMFS received a comment that, by implementing ICCAT Recommendation 24-12, the United States shows it is committed to meeting international conservation obligations and is holding its fisheries to the same standards as other nations, which the comment states is important for credibility as well as compliance, and signals that the United States is serious about science-based conservation.

Response 17: The United States implements all relevant ICCAT recommendations domestically, as required under ATCA. Additionally, the United States actively participates in the compliance review process at ICCAT.

Comment 18: NMFS received a comment that the requirements under this action, specifically Alternative B3, should not go beyond what is specifically required in the ICCAT recommendation.

Response 18: Best handling practices for longline gear are included in ICCAT Recommendation 24-12, and while handling practices are not required under that recommendation, the practices in this final rule align with Recommendation 24-12, domestic handling and release guidelines for giant manta ray under the ESA as well as other protected resources, and existing handling and release requirements for sharks caught on pelagic longline gear. Implementing handling practices under this action is also consistent with National Standard 9.

Comment 19: NMFS received comments that, while the proposed measures are a crucial first step in reducing mobulid ray fatalities and restoring populations, a full, permanent ban on destructive commercial fishing practices, such as bottom trawling and pelagic longline fishing, in mobulid ray habitat would go further to help recover mobulid ray populations in the United States.

Response 19: Banning commercial fishing using bottom trawl or pelagic longline gear is outside the scope of this rulemaking.

Comment 20: NMFS received a comment that NMFS should allocate resources toward re-opening the recreational Atlantic shortfin mako shark fishery, rather than developing regulations for mobulid rays.

Response 20: This comment is outside the scope of this rulemaking. NMFS notes, however, that the recreational shortfin mako shark retention limit is currently set at zero (87 FR 39373, July 1, 2022). Since implementation of that regulation, there have been no changes in the status of the North Atlantic shortfin mako shark stock. Additionally, no changes to the restriction on landing shortfin mako sharks have been made at ICCAT, with Recommendation 21-09 still in place. To the extent that these comments are suggesting development of U.S. proposals at ICCAT, U.S. proposals and priorities for ICCAT generally are discussed in the context of the U.S. ICCAT Advisory Committee meetings, which typically have at least one session per meeting open to the public.

Changes From the Proposed Rule

As a result of further conversations with NMFS' Office of Protected Resources regarding the proposed rule, observer data, and typical mobulid behavior once hooked or entangled, NMFS has added additional language to § 635.21(c)(6) and the corresponding prohibition at § 635.71(a)(69) to clarify that the intention of the rule is to leave less than 3 feet (91.4 cm) of line on the hook when releasing it *after* disentangling the animal, and not just cut the line close to the hook. This additional language specifically states that, as

safely as practicable, fishermen using pelagic longline gear must disentangle and release the animal, not just release the animal. It also states that when using line cutters or clippers to release/disentangle the animal, to the extent practicable, the fishermen must remove line that is wrapped around the animal in addition to cutting the line so that less than 3 feet (91.4 cm) of line remains attached to the hook.

Classification

As described in the introduction, NMFS is issuing this final rule pursuant to the Atlantic Tunas Convention Act section 971d(c)(1)(A) and the Magnuson-Stevens Act section 305(d). The NMFS Assistant Administrator has determined that this final rule is consistent with the HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under Executive Order 13175 is not required, and the requirements of section (5)(b) and (c) of Executive Order 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2) of Executive Order 13175 is not required and has not been prepared.

A FRFA was prepared for this final rule. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS' responses to those comments, and a summary of the analyses updated in response

to the comments and completed to support the action. A copy of this analysis is available from NMFS (see **ADDRESSES** section). A summary is provided below.

Section 604(a)(1) of the Regulatory Flexibility Act (RFA) requires agencies to state the need for, and objective of, the final action. The need for this action is to implement binding ICCAT Recommendation 24-12, adopted in 2024, which prohibits the retention of mobulid rays in ICCAT fisheries and details best practices for handling and release of mobulid rays. Current regulations for HMS fisheries do not address retention or bycatch of mobulid rays. The purpose of this action is to protect mobulid rays and minimize their bycatch and bycatch mortality to the extent practicable in HMS fisheries consistent with ICCAT Recommendation 24-12, as well as National Standard 9 of the Magnuson-Stevens Act.

Section 604(a)(2) of the RFA requires a summary of significant issues raised by the public in response to the IRFA, a summary of the agency's assessment of such issues, and a statement of any changes made in the rule as a result of the comments. NMFS received 19 written comments on the proposed rule and associated analyses during the public comment period. Summarized public comments and NMFS' responses to them are included above. NMFS received one comment that referred to the economic impacts of the rule. NMFS received a comment opposing implementing regulations regarding mobulid ray retention. The commenter stated that there is no need to allocate resources toward enforcement of such regulations since there is currently no fishery for mobulid rays or value in mobulid ray retention, and that regulations and enforcement would be a burden on fishermen.

In response to this comment, NMFS agrees that there is currently no fishery for mobulid rays and that mobulid rays are a bycatch and not a target species. In support of this, NMFS notes that it does not have records of sale of mobulid rays from HMS fisheries in Atlantic HMS dealer data. However, the lack of a current fishery does not

indicate that a fishery for mobulid rays is not possible in the future without restrictions against it. Furthermore, maintaining the status quo and not implementing regulations regarding mobulid ray retention would not meet the purpose and need for this action to implement binding ICCAT Recommendation 24-12, which prohibits the retention of mobulid rays in ICCAT fisheries. As described in the supporting document, there are potential benefits to implementing binding ICCAT recommendations, including avoiding being identified for noncompliance by the ICCAT Compliance Committee. Compliance could also positively affect public perception of HMS fisheries and influence decisions by consumers. Also, as described in the supporting document, fishermen are already required to disentangle protected species, such as turtles, and to release sharks with a maximum of 3 feet (91.4 cm) of trailing line. In the short-term, fishermen may experience inefficiencies as they adjust to applying the existing handling and release practices when handling and releasing mobulid rays. However, NMFS expects that any resulting inefficiencies would be minimal and that fishermen would become adept in using these practices to release mobulid rays over time given they are adept at using similar practices to release sharks and protected species. Therefore, NMFS believes that Alternative A3 will likely result in neutral short-term and long-term social and economic impacts. NMFS also believes that, because there is no fishery for mobulid rays and because the handling and release practices are the same as what is already required for other species, implementing this restriction would not result in a need for additional resources for enforcement.

Section 604(a)(3) of the RFA requires the agency to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made in the rule as a result of such comments. NMFS did not receive any comments from the Chief Counsel for Advocacy of the SBA in response to the proposed rule.

Section 604(a)(4) of the RFA requires agencies to provide descriptions of, and where feasible, an estimate of the number of small entities to which the rule would apply. The SBA has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194). In that final rule, effective on July 1, 2016, NMFS established a small business size standard of \$11 million in annual gross receipts for all businesses in the commercial fishing industry (North American Industry Classification System (NAICS) code 11411) for RFA compliance purposes. NMFS completed a review of the small business size standard on November 24, 2025 (90 FR 52917), that resulted in maintaining the existing size standard. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than \$11 million for commercial fishing. SBA has established size standards for all other major industry sectors in the United States, including the scenic and sightseeing transportation (water) sector (NAICS code 487210, for-hire), which includes charter/party boat entities. SBA has defined a small charter/party boat entity as one with average annual receipts (revenue) of less than \$14 million.

This final rule would apply to the permit holders of 150 Swordfish Directed, 56 Swordfish Incidental, 73 Swordfish Handgear, 173 Shark Directed, 209 Shark Incidental, and 205 Atlantic Tunas Longline category limited access permits. The final rule would also apply to the permit holders of 109 Commercial Caribbean Small Boat permits, 616

Swordfish General Commercial permits (with 373 shark endorsements), 211 Smoothhound Shark permits, 2,420 Atlantic Tunas General category permits (with 1,258 shark endorsements), 37 Atlantic Tunas Harpoon category permits, and 4,409 HMS Charter/Headboat permits (with 3,208 shark endorsements and 2,212 commercial sale endorsements). This final rule would also affect HMS Angling permit holders, but those permit holders are considered individuals and not small entities under RFA. NMFS considers all HMS permit holders, both commercial and for-hire, to be small entities because they have average annual receipts of less than their respective sector's standard of \$11 million and \$14 million. NMFS has determined that the final rule would not likely affect any small governmental jurisdictions. More information regarding the description of the fisheries affected, and the categories and number of permit holders can be found in the HMS SAFE Report.

Section 604(a)(5) of the RFA requires agencies to describe any new reporting, record-keeping, and other compliance requirements. The action does not contain any new collection of information, reporting, or record-keeping requirements.

Section 604(a)(6) of the RFA requires agencies to describe the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected. As described below, NMFS analyzed several different alternatives in this final rulemaking and provides rationales for identifying the preferred alternatives to achieve the desired objectives. The FRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the final action on vessels.

Under Alternative A1, the No Action alternative, the HMS regulations at 50 CFR part 635 would continue not to address retention of mobulid rays. In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS examined Atlantic HMS dealer data and did not find any recorded sales of mobulid rays. This would likely indicate neutral economic impacts on small entities participating in HMS fisheries. However, there are potential costs to not implementing binding ICCAT recommendations, including potentially being identified for noncompliance by the ICCAT Compliance Committee and thereby influencing decisions by consumers due to negative public perception, which could result in minor adverse economic impacts. By contrast in the future, if small entities permitted in HMS fisheries decide to retain and sell mobulid rays under Alternative A1, that decision could result in revenue that has minor beneficial economic impacts. The impact is likely to be minor since there is a very limited market in the United States. The same potential costs to noncompliance with binding ICCAT recommendations could exist. On balance, the net benefit of Alternative A1 would likely be neutral since the limited minor beneficial impacts from being able to sell mobulid rays in the future would likely be offset by negative impacts from noncompliance with the ICCAT recommendation.

Under Alternative A2, NMFS would prohibit retention of mobulid rays in fisheries for tunas and tuna-like species (*i.e.*, swordfish and billfish), which are considered to be ICCAT fisheries. Retention of mobulid rays in fisheries for sharks would not be addressed under this alternative. In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS examined Atlantic HMS dealer data and did not find any recorded sales of mobulid rays. Therefore, Alternative A2 would likely result in neutral economic impacts on small entities participating in HMS fisheries. However, if the small entities permitted to fish for sharks with bottom longline or gillnet decide to retain and sell mobulid rays in the future under Alternative A2, that revenue

could result in long-term minor beneficial social and economic impacts, but to a lesser degree than potential revenue in all HMS fisheries under Alternative A1. The impact is likely to be minor since there is a very limited market in the United States.

Under preferred Alternative A3, NMFS would prohibit retention of mobulid rays in all HMS fisheries. In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS examined Atlantic HMS dealer data and did not find any recorded sales of mobulid rays. Therefore, Alternative A3 would likely result in neutral economic impacts on small entities participating in HMS fisheries. Compared to Alternative A2, this alternative would simplify the regulations by prohibiting mobulid rays in all HMS fisheries and would thus make communicating this change easier and reduce the time and effort needed by fishery participants to understand the retention prohibition, without increasing any costs to fishery participants. In addition, there are potential benefits to implementing binding ICCAT recommendations, including avoiding being identified for noncompliance by the ICCAT Compliance Committee. Compliance could also positively affect public perception of HMS fisheries and influence decisions by consumers.

Under Alternative B1, the No Action alternative, the HMS regulations at 50 CFR part 635 would continue to not address handling practices or require release of mobulid rays. Current recommended giant manta ray handling and release procedures under the ESA would remain in place. Alternative B1 would not require any changes to current mobulid rays handling and release practices and, therefore, would likely result in neutral economic impacts on small entities participating in HMS fisheries. However, there are potential costs to not implementing binding ICCAT recommendations related to required release, including potentially being identified for noncompliance by the ICCAT Compliance Committee and thereby influencing decisions by consumers due to negative public perception, which could result in minor adverse economic impacts.

Under preferred Alternative B2, vessels issued any HMS permit would be required to release unharmed, to the extent practicable, mobulid rays as soon as they are seen on the hook or at the vessel (with additional requirements for pelagic longline vessels as described under Alternative B3). In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS does not have records of sales of mobulid rays from HMS fisheries. Therefore, Alternative B2 would likely result in neutral economic impacts on small entities participating in HMS fisheries.

Under preferred Alternative B3, NMFS would implement handling practices for mobulid rays caught on pelagic longline gear, including requirements to disentangle any mobulid rays, to limit trailing line to 3 feet (91.4 cm), to leave mobulid rays in the water, to use a dehooking device or line clipper or cutter, and to not gaff mobulid rays. Currently, pelagic longline fishermen are required to use a dehooking device or line clipper or cutter if a protected species (*e.g.*, sea turtle or marine mammal) is caught, as well as for sharks that will not be retained, but they are not currently required to use a dehooker or line clipper or cutter to release all mobulid rays. While this fishery interacts with mobulid rays infrequently, it is common practice in the pelagic longline fishery to release mobulid rays by cutting the gangion. However, they usually do not work to disentangle the animal, nor do they cut the gangions so only 3 feet (91.4 cm) remain. They are, nevertheless, already required to carry onboard dehookers and line clippers or cutters and to use these devices to safely release and disentangle sea turtles, and to leave only 3 feet (91.4 cm) of trailing line when cutting off a shark that will not be retained. Therefore, Alternative B3 would likely result in short-term minor adverse economic impacts to small entities as fishermen adjust to applying these existing handling and release practices when handling and releasing mobulid rays. Although this adjustment may initially be an issue, NMFS expects that any resulting inefficiencies would be minimal and that fishermen would become adept in using these practices to release

mobulid rays over time given they are adept at using similar practices to release sharks and protected species. Thus, Alternative B3 would be expected to have neutral long-term economic impacts.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104-121) states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as “small entity compliance guides” (see 5 U.S.C. 601). The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, NMFS prepared a web page that also serves as small entity compliance guide. Copies of this final rule and compliance guide are available on the HMS Management Division website (<https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>).

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: May 15, 2026.

Samuel D. Rauch III,

*Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS amends 50 CFR part 635 as follows:

PART 635–ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

2. In § 635.2, add the definition of “mobulid ray” in alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Mobulid ray means any species of ray in the family Mobulidae.

* * * * *

3. In § 635.21, add paragraphs (a)(4) and (c)(6) to read as follows:

§ 635.21 Gear operation and deployment restrictions.

(a) * * *

(4) Any mobulid ray caught by a vessel that has been issued or should have been issued an HMS permit must be released unharmed, to the extent practicable, as soon as it is seen on the hook or at the vessel, except that a vessel with pelagic longline on board must undertake the additional bycatch mitigation measures described in paragraph (c)(6) of this section.

* * * * *

(c) * * *

(6) The owner or operator of a vessel permitted or required to be permitted under this part and that has pelagic longline gear on board must, as safely as practicable, disentangle and release any hooked or entangled mobulid ray using dehookers or line clippers or cutters. If using a line clipper or cutter to release the mobulid ray, to the extent practicable, the gangion must be cut so that less than 3 feet (91.4 cm) of line remains attached to the hook and any line that is wrapped around the animal is removed. Mobulid rays must be released without removing the ray from the water. No mobulid ray may be gaffed.

* * * * *

4. In § 635.22, add paragraph (g) to read as follows:

§ 635.22 Recreational retention limits.

* * * * *

(g) *Mobulid rays*. No mobulid ray, a whole carcass or part thereof, may be retained, landed, or stored by a vessel issued or required to be issued a permit for HMS under § 635.4.

5. In § 635.24, add paragraph (d) to read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

* * * * *

(d) *Mobulid rays*. No mobulid ray, a whole carcass or part thereof, may be retained, transshipped, landed, or stored by a vessel issued or required to be issued a permit for HMS under § 635.4.

6. In § 635.31, add paragraph (e) to read as follows:

§ 635.31 Restrictions on sale and purchase.

* * * * *

(e) *Mobulid rays*. Persons may not sell or purchase any mobulid ray, a whole carcass or part thereof, that was caught by a vessel issued or required to be issued a permit for HMS under § 635.4.

7. In § 635.71, add paragraphs (a)(68) and (69) to read as follows:

§ 635.71 Prohibitions.

* * * * *

(a) * * *

(68) Retain, transship, land, store, sell, or purchase any mobulid ray, a whole carcass or part thereof, as specified in § 635.21(a)(5), § 635.22(g), § 635.24(d), and § 635.31(e).

(69) Fail to release a mobulid ray when seen on the hook or at the vessel as specified in § 635.21(a)(4) or fail to comply with mobulid release protocols as specified in § 635.21(c)(6).

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