

Science, Service, Stewardship



ESA Listing Updates: Hammerhead & Dusky Sharks

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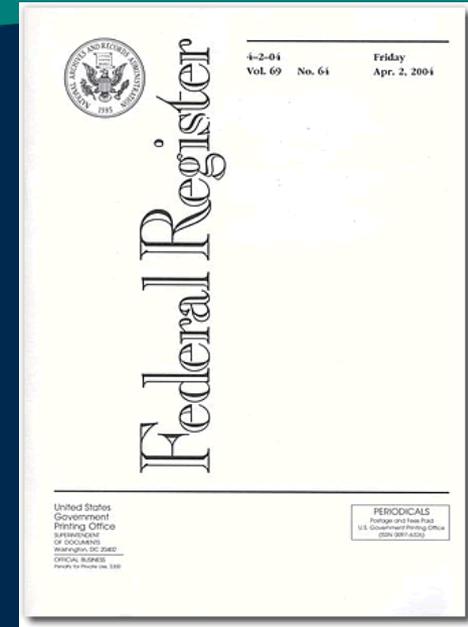
Outline

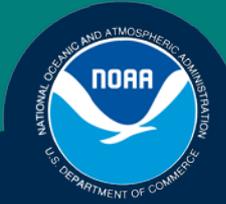
- **ESA Listing Updates**
 - **Scalloped Hammerhead Shark**
 - **Great Hammerhead Shark**
 - **Dusky Shark**
- **Benefits of Listing**
- **Questions**



ESA Listing Process

- Petition or self-initiation
- 90-day finding
 - (+) presents substantial information that listing may be warranted
 - (-) does not present substantial information that listing may be warranted
- Status review
- 12-month finding
 - “not warranted”
 - Proposed Rule
- Final determination
- Critical habitat designation





ESA Listing Process: Scalloped Hammerhead Shark

<http://www.nmfs.noaa.gov/pr/species/fish/scallopedhammerheadshark.htm>

- Proposed Rule
 - Public comment period ended June 4, 2013
- Final Determination (statutory deadline: April 2014)
- Critical Habitat Designation





ESA Listing Process: Great Hammerhead Shark

<http://www.nmfs.noaa.gov/pr/species/fish/greathammerheadshark.htm>

- (+) 90-day finding on global population (April 26, 2013; 78 FR 24701)
- Status review & 12-month finding (in progress)





ESA Listing Process: Dusky Shark

<http://www.nmfs.noaa.gov/pr/species/fish/duskyshark.htm>

- (+) 90-day finding on Northwest Atlantic/GOM population; denied petition to list global population (May 17, 2013; 78 FR 29100).
- Status review & 12-month finding (in progress)



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What Happens After A Species is Listed?

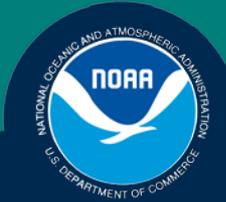


Benefits of Listing – ESA Prohibitions



When a species is listed as **endangered**, it is illegal for any person subject to the jurisdiction of the United States to:

- Import it into or export it out of the U.S.;
- Take the species within the U.S., the territorial seas of the U.S., the U.S. EEZ, or upon the high seas;
- Possess, sell, deliver, carry, transport, or ship the species in interstate or foreign commerce
- Sell or offer the species for sale



Benefits of Listing - Section 4(d) Protective regulations

- If a species is listed as **threatened**, Secretary shall issue regulations to provide for the conservation of the species
- NMFS must adopt a special rule with each listing to offer these same protections – not automatic



Benefits of Listing – Section 7 consultation requirement

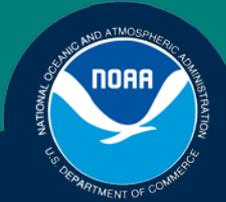


- Federal agencies shall utilize their authorities to further the purposes of the ESA (i.e., recover species to a point where they no longer warrant listing) by carrying out programs to recover species (sec.7(a)(1))
- Consult to **insure** that **any action** authorized, funded, or carried out by such agency “**is not likely to jeopardize** the continued existence of any endangered or threatened species **or result in the destruction or adverse modification**” of designated critical habitat ... (sec.7(a)(2))



Example: Fishery Management Actions and Section 7(a)(2)

Action	NMFS' approval and implementation of the FMP, FMP amendment (framework adjustments, individual fishing quotas, experimental fisheries), regulations, TAC, and others
Action Agency	NMFS Sustainable Fisheries
Consulting Agency	NMFS Protected Resources
Outcome	“Biological Opinion” or “Concurrence Letter” that contains an assessment of the impacts of the action on threatened and endangered species



Section 10(a)(1) - Permits

Individuals planning to conduct any activity resulting in the “take” of an endangered or threatened species, whether or not deliberate, must possess a permit to perform that activity. There are two types of permits issued for take under the ESA:

- Permits for ***scientific research or to enhance*** the propagation and survival of the species (ESA Section 10(a)(1)(A)), and
- Permits for taking species ***incidental*** to (not the purpose of) an otherwise lawful activity (ESA Section 10(a)(1)(B)).



Ultimate Goal - Recovery

- Recover species so that they are no longer at risk of extinction
- To do this, NMFS develops and implements Recovery Plans, conducts interagency consultations, and coordinates and provides grants to states



For further information:

Questions?

Recent News & Hot Topics

<http://www.nmfs.noaa.gov/pr/>

Main Species:

<http://www.nmfs.noaa.gov/pr/species/index.htm>

Recovery :

<http://www.nmfs.noaa.gov/pr/recovery/>

Consultations:

<http://www.nmfs.noaa.gov/pr/consultation/index.htm>

Permits:

http://www.nmfs.noaa.gov/pr/permits/esa_permits.htm