

*Science, Service, Stewardship*



# ESA Listing Process Updates: Hammerhead, Dusky, and Whale Sharks

NOAA

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FISHERIES  
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# Outline

- **ESA Listing Process**
  - **Scalloped Hammerhead Shark**
  - **Great Hammerhead**
  - **Dusky Shark**
  - **Whale Shark**
- **Questions**



## Definitions of species, E, and T

- “Species” includes subspecies and distinct population segments (DPS) of vertebrate species that interbreed when they are mature
- Endangered species = any species in danger of extinction throughout all or a significant portion of its range;
- Threatened species = any species likely to become endangered within the foreseeable future throughout all or a significant portion of its range.



## NMFS and the ESA

- Responsible for **74 domestic** marine and anadromous species and **20 foreign** species
  - 29 marine mammals
  - 16 marine turtles
  - 44 marine and anadromous fish
  - 4 marine invertebrates
  - 1 marine plant
- Of this number, 46 are threatened and 48 are endangered





## Proposed, candidates, species of concern

- 75 species are proposed for listing under the ESA
  - Scalloped Hammerhead Shark (4 DPSs)
    - o Central & Southwest Atlantic DPS (Threatened)
    - o Indo-West Pacific DPS (Threatened)
    - o Eastern Atlantic DPS (Endangered)
    - o Eastern Pacific DPS (Endangered)
- 16 species are candidate species
  - Great Hammerhead Shark
  - Dusky Shark (Northwest Atlantic & Gulf of Mexico)
- 38 species are “Species of Concern”



# 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

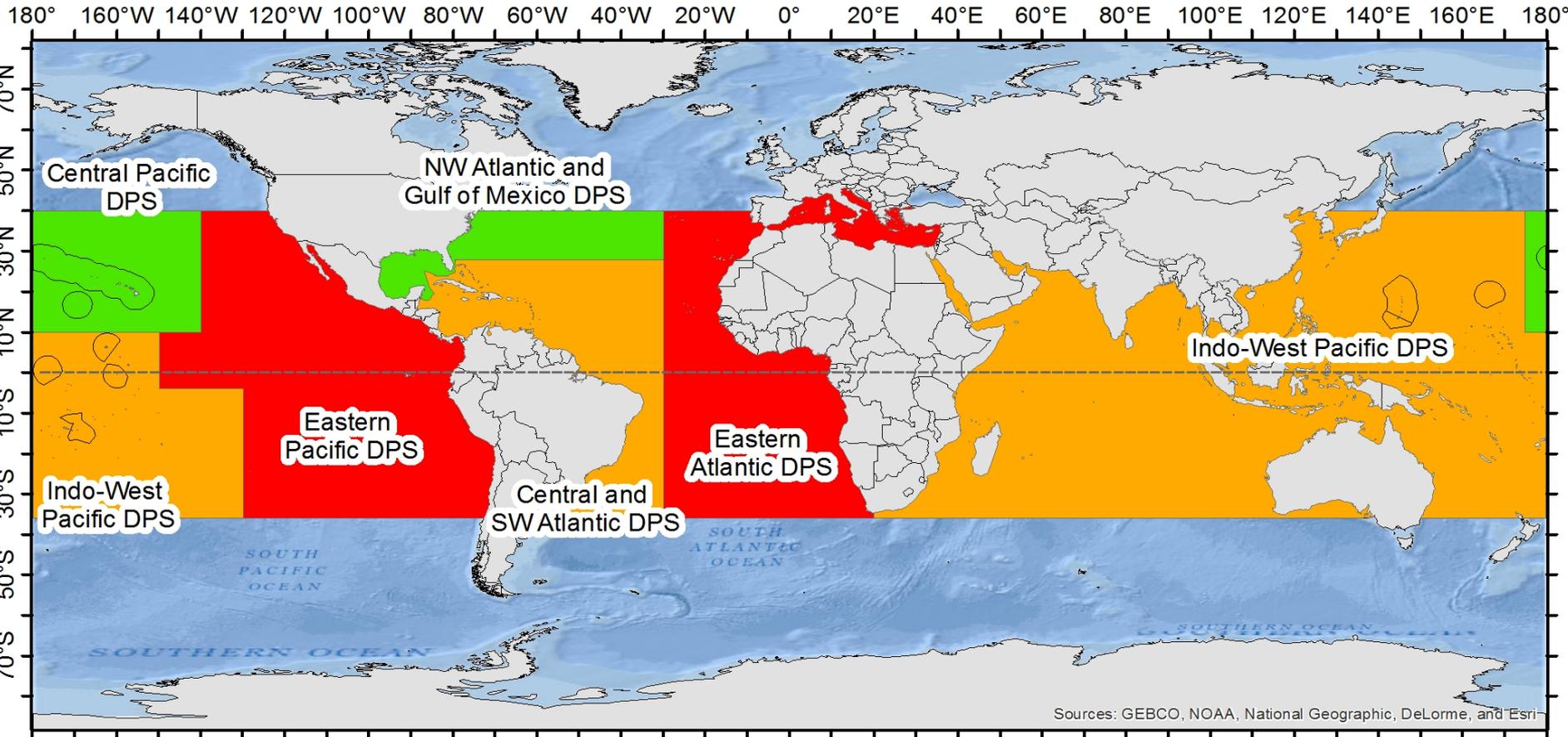




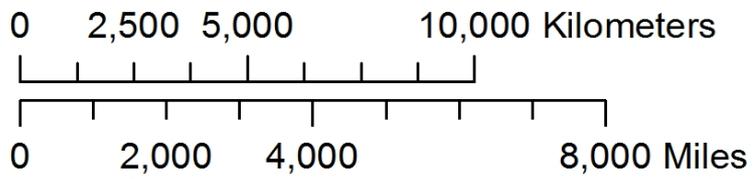
## ESA Listing Process: Scalloped Hammerhead Shark

- Petition (Received August 14, 2011)
- (+) 90-day finding (November 28, 2011; 76 FR 72891)
- Status review (Completed March 2013)
- 12-month finding & Proposed Rule (April 5, 2013; 78 FR 20717):
  - Northwest Atlantic DPS and Central Pacific DPS “not warranted” for listing
  - Proposed Threatened Status -- Central & Southwest Atlantic DPS and Indo-West Pacific DPS
  - Proposed Endangered Status -- Eastern Atlantic DPS and Eastern Pacific DPS

# Scalloped Hammerhead Shark Distinct Population Segments and Proposed Listing Status

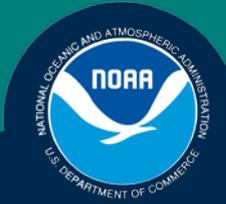


Sources: GEBCO, NOAA, National Geographic, DeLorme, and Esri



-  Not Warranted
-  Threatened
-  Endangered





# ESA Listing Process: Scalloped Hammerhead Shark

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





## ESA Listing Process: Great Hammerhead Shark

- Petition #1 (Received December 21, 2012)
  - Request to list as T or E throughout its range (or as any identified DPSs)
- Petition #2 (Received March 19, 2013)
  - Request to list the northwest Atlantic population as T or global population as T
- (+) 90-day finding on global population (April 26, 2013; 78 FR 24701)
- Status review (in progress)
- 12-month finding (statutory deadline: December 2013)



## ESA Listing Process: Dusky Shark

- Petition #1 (Received November 14, 2012)
  - Request to list throughout its range or the Northwest Atlantic/GOM population as T or E
- Petition #2 (February 1, 2013)
  - Request to list the northwest Atlantic population as T or global population as T
- (+) 90-day finding on Northwest Atlantic/GOM population; denied petition to list global population (May 17, 2013; 78 FR 29100).
- Status review (in progress)
- 12-month finding (statutory deadline: November 2013)



# ESA Listing Process: Whale Shark

- Petition (Received December 21, 2012)
- (-) 90-day finding denying petition (August 16, 2013; 78 FR 50032)



# Questions?

For further information:

## Scalloped Hammerhead Shark

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

## Great Hammerhead Shark

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

## Dusky Shark

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

# Questions?

For further information:

Recent News & Hot Topics

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

**\*\*Main Species Page\*\*:**

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

Provides links to:

- petitioned species awaiting 90-day findings
- candidate species
- proposed species
- (-) 90-day findings
- “not warranted” 12-month findings
- species under review or proposed for delisting

Candidates for Listing (16 candidate "species")		
Species	Year	Federal Register notice
<b>Fishes</b>		
cusk ( <i>Brosme brosme</i> )	2007	72 FR 10710
grouper, Nassau ( <i>Epinephelus striatus</i> )	2012	77 FR 61559
herring, Pacific (1 candidate DPS) ( <i>Clupea pallasii</i> )	2008	73 FR 19824
◦ Southeast Alaska		
salmon, Chinook (1 candidate ESU) ( <i>Oncorhynchus tshawytscha</i> )	2011	76 FR 20302
◦ Upper Klamath and Trinity Rivers Basin ESU		
seahorse, dwarf ( <i>Hippocampus zosterae</i> )	2012	77 FR 26478
shark, dusky (1 candidate DPS) ( <i>Carcharhinus obscurus</i> )	2013	78 FR 29100
◦ Northwest Atlantic and Gulf of Mexico		
shark, great hammerhead ( <i>Sphyrna mokarran</i> )	2013	78 FR 24701
sturgeon (5 candidate species)	2012	77 FR 51767
◦ <i>Acipenser naccarii</i>		
◦ <i>Acipenser sturio</i>		
◦ <i>Acipenser sinensis</i>		
◦ <i>Acipenser mikadoi</i>		
◦ <i>Huso dauricus</i>		
wrasse, humphead ( <i>Cheilinus undulatus</i> )	2013	78 FR 13614

Petitions Awaiting 90-Day Findings

Species	Date Received	Requested ESA Action (linked to petition)
Multi-taxa (81 species)	07/15/2013	List as Threatened or Endangered and Designate Critical Habitat
<b>Fishes</b>		
pomacentrid reef fish (8 species)	09/14/2012	List as Threatened or Endangered and Designate Critical Habitat
<b>Marine Mammals</b>		
whale, humpback ( <i>Megaptera novaeangliae</i> )	04/16/2013	Delist the North Pacific population
<b>Marine Invertebrates</b>		
abalone, pinto ( <i>Haliotis kamtschatkana</i> )	07/01/2013	List as Threatened or Endangered and Designate Critical Habitat
	08/05/2013	List as Threatened or Endangered and Designate Critical Habitat