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### **NOAA's Fisheries Service seeks comments on proposal to list scalloped hammerhead sharks under Endangered Species Act**

NOAA's Fisheries Service, in response to a petition submitted by the WildEarth Guardians and Friends of Animals is proposing to list four populations of scalloped hammerhead sharks under the Endangered Species Act, two as threatened and two as endangered.

However, the species will not be listed in the majority of U.S. waters due to steps fisheries managers and fishermen have already taken to help protect these species. For example, in the U.S. Atlantic, the species is managed under a fishery management plan, with established biological catch levels to control harvest.

NOAA's Fisheries Service is also finalizing an amendment to the fishery management plan establishing a rebuilding strategy for the northwest Atlantic scalloped hammerhead shark stock, and implementing regulations for U.S. shark fisheries in the Atlantic Ocean, the Gulf of Mexico and the Caribbean.

The listing proposals, which are based on the best scientific data available, cite threats from overfishing and inadequate management of foreign fisheries, with illegal, unreported and unregulated fishing, also known as IUU fishing, as a significant problem. Scalloped hammerhead sharks are found worldwide in coastal warm waters, which makes the problem widespread. In addition, the sharks are killed for their fins, which has significantly contributed to their decline.

"Sharks are a valuable part of our ocean ecosystems, and the sharks we are proposing to list under the Endangered Species Act are in trouble," said Sam Rauch, assistant NOAA administrator for fisheries. "Sharks worldwide face a number of threats, and these sharks in particular, are facing threats from inadequate worldwide fisheries management to poaching for their fins."

NOAA's Fisheries Service will designate critical habitat for the Distinct Population Segments (DPSs) that occur in U.S. waters, if it is determined to be prudent. Of the DPSs NOAA Fisheries proposes to list, only the central and southwest Atlantic, Indo-West Pacific and eastern Pacific DPSs have areas of their range in U.S. waters.

Earlier this year, the President directed that agencies, when designating critical habitat, carefully consider all public comments on relevant science and economic impact, including those that suggest methods for minimizing regulatory burdens. Any potential future critical habitat designation will include a full analysis of economic impact, including impact on jobs, and will strive, to the extent permitted by law, to avoid unnecessary burdens and costs to states, tribes, localities and the private sector.

When a species is listed as endangered, scientists consider it in danger of extinction throughout all or a significant portion of its range. When a species is listed as threatened, scientists consider it likely to become an endangered species within the foreseeable future.

Under the proposal, two DPSs of scalloped hammerhead sharks in the eastern Atlantic and eastern Pacific would be listed as endangered, while two DPSs--the central and southwest Atlantic population, and the Indo-West Pacific population--would be listed as threatened. This announcement is also the final negative finding for two other populations, one that spans the U.S. northwest Atlantic to the Gulf of Mexico and another in the Central Pacific (spanning the Hawaiian archipelago).

The proposed endangered listings prohibit imports, exports and commercial activities dealing in the species. Scalloped hammerhead sharks are not a significant component of catch or bycatch by U.S. commercial and recreational fishers. Also, in the U.S. Western Pacific territories, scalloped hammerhead sharks are not a component of subsistence fisheries and are rarely caught or seen.

NOAA's Fisheries Service anticipates few effects from these proposed listings to fishers under U.S. jurisdiction and on the activities of other federal agencies.

WildEarth Guardians and Friends of Animals filed a petition in August 2011 with NOAA's Fisheries Service to list the scalloped hammerhead shark as threatened or endangered under the Endangered Species Act. NOAA's Fisheries Service later determined that the petition provided sufficient information to demonstrate that listing may be warranted, and initiated a status review of the species.

NOAA's Fisheries Service is seeking comments from the public on the proposed listing of scalloped hammerhead sharks for 60 days. NOAA's Fisheries Service is seeking also comments on the proposed DPSs, as well as their population structure, habitat use, abundance and distribution. The agency is also seeking information on threats and planned activities that may affect the proposed DPSs and any efforts being made to protect the sharks.

After publishing a proposed rule, NOAA's Fisheries Service considers the public comments and new information that may have been provided. NOAA's Fisheries Service has one year to publish a final determination on whether to list the species.

You may submit public comments via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) or by visiting the comment page on the Office of Protected Resources website at [www.nmfs.noaa.gov/pr/comment.htm](http://www.nmfs.noaa.gov/pr/comment.htm). NOAA's Fisheries Service will also accept written comments mailed to: Office of Protected Resources, NOAA Fisheries, 1315 East-West Highway, Silver Spring, MD 20910; or faxed to 301-713-4060, Attn: Maggie Miller

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