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1. Correspondence (June 22-24, 2021) M

#13a.8

The Endangered Species Act (ESA) Listing Process and Shortfin Mako Shark

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Office of Protected Resources

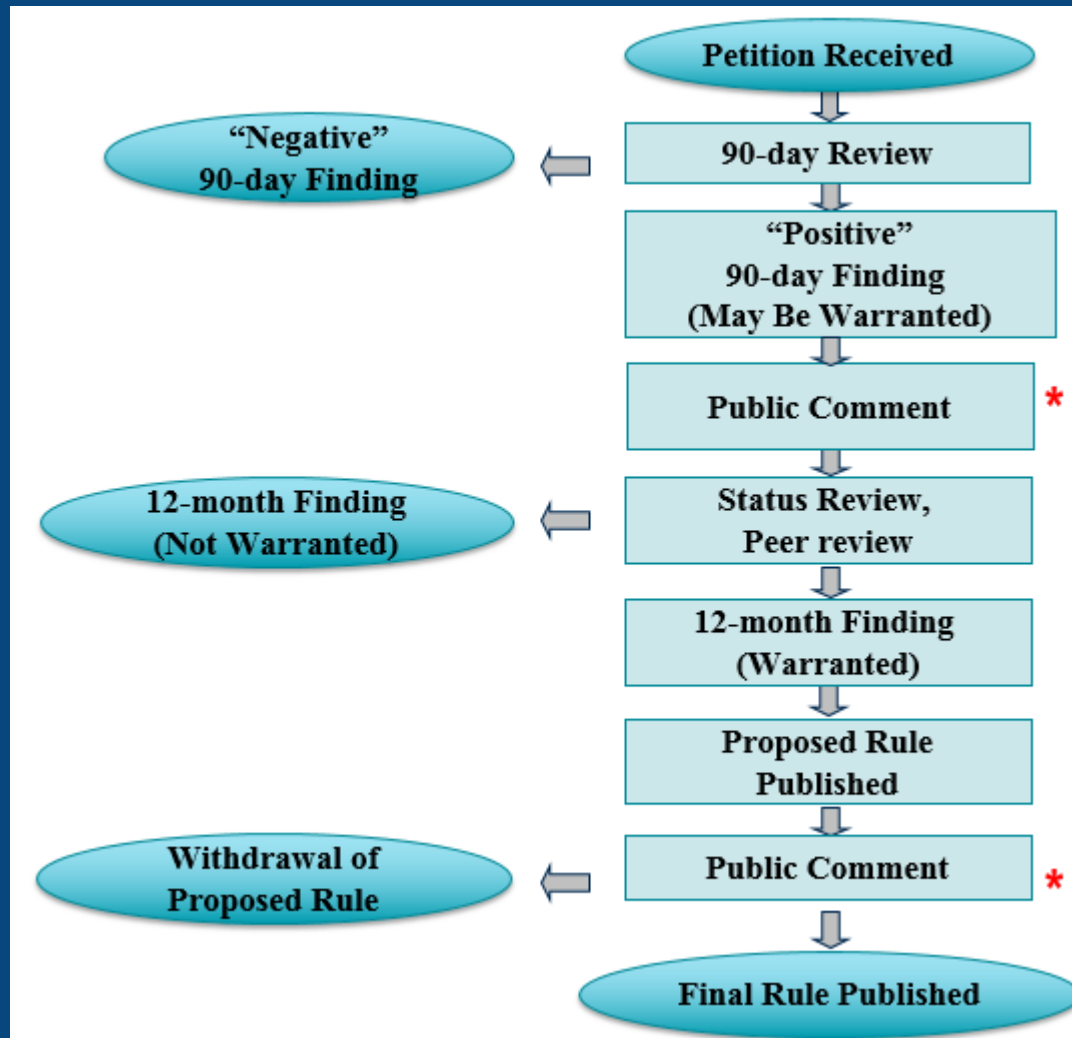
Outline

- ESA listing process
- Effects of listing
- Positive 90-day finding on shortfin mako
- How to comment or provide information
- Questions & resources



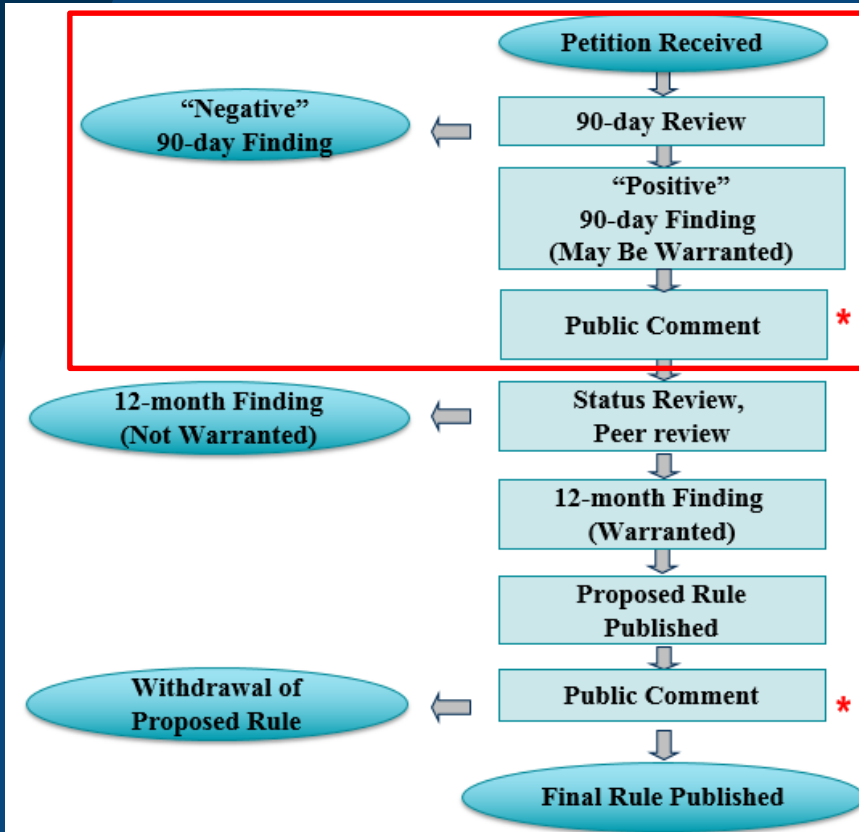
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ESA Listing Process



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ESA Listing Process

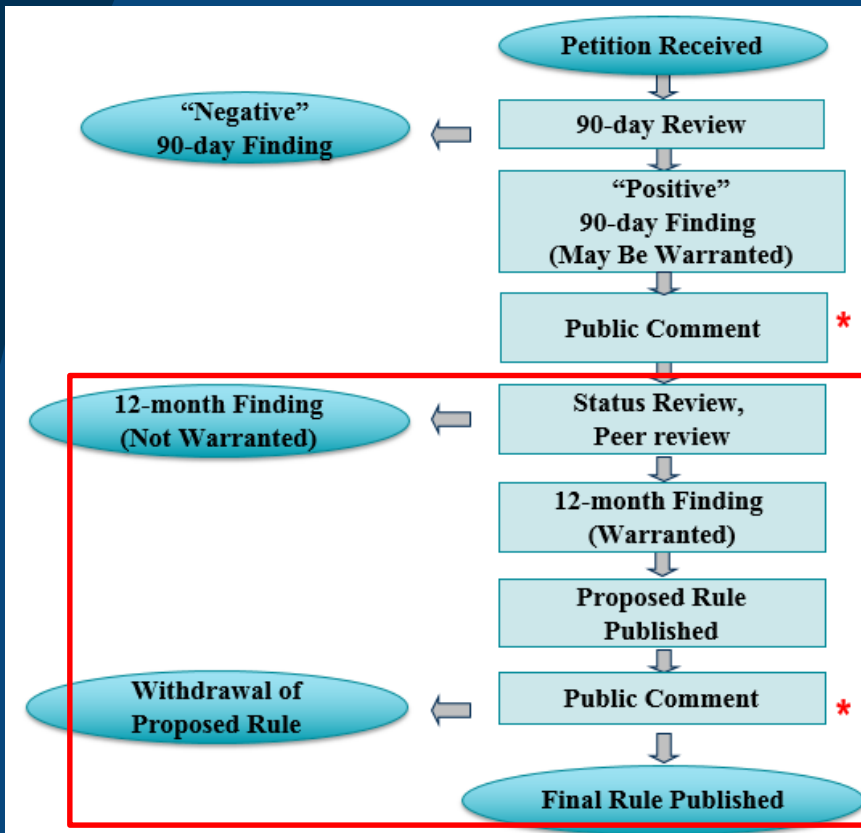


- Petition (or self-initiated)
- 90-day finding
 - Negative: petition does not present substantial information that listing *may* be warranted
 - Positive: petition presents substantial information that listing *may* be warranted
- Public comment

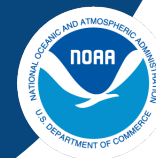


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ESA Listing Process



- Status review
- 12-month finding
 - Not warranted
 - Warranted
- Proposed rule
- Public comment
- Final Rule



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Effects of Listing

- An **endangered species** is in danger of extinction throughout all or a significant portion of its range
- A **threatened species** is likely to become endangered throughout all or a significant portion of its range in the foreseeable future



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Effects of Listing

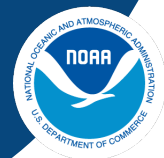
- If listed as **endangered**, it is illegal for any person subject to the jurisdiction of the United States to:
 - Import it into or export it out of the U.S.;
 - Take the species within the U.S., the territorial seas of the U.S., U.S. EEZ, or upon the high seas;
 - Possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally;
 - Sell, offer for sale, deliver, receive, carry, transport, or ship the species in interstate or foreign commerce.
- If listed as **threatened**, the Secretary shall issue regulations to provide for the conservation of the species
 - NMFS must adopt a special rule, 4(d) rule, with each listing to offer these protections – not automatically applied



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Effects of Listing: Section 7

- 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))



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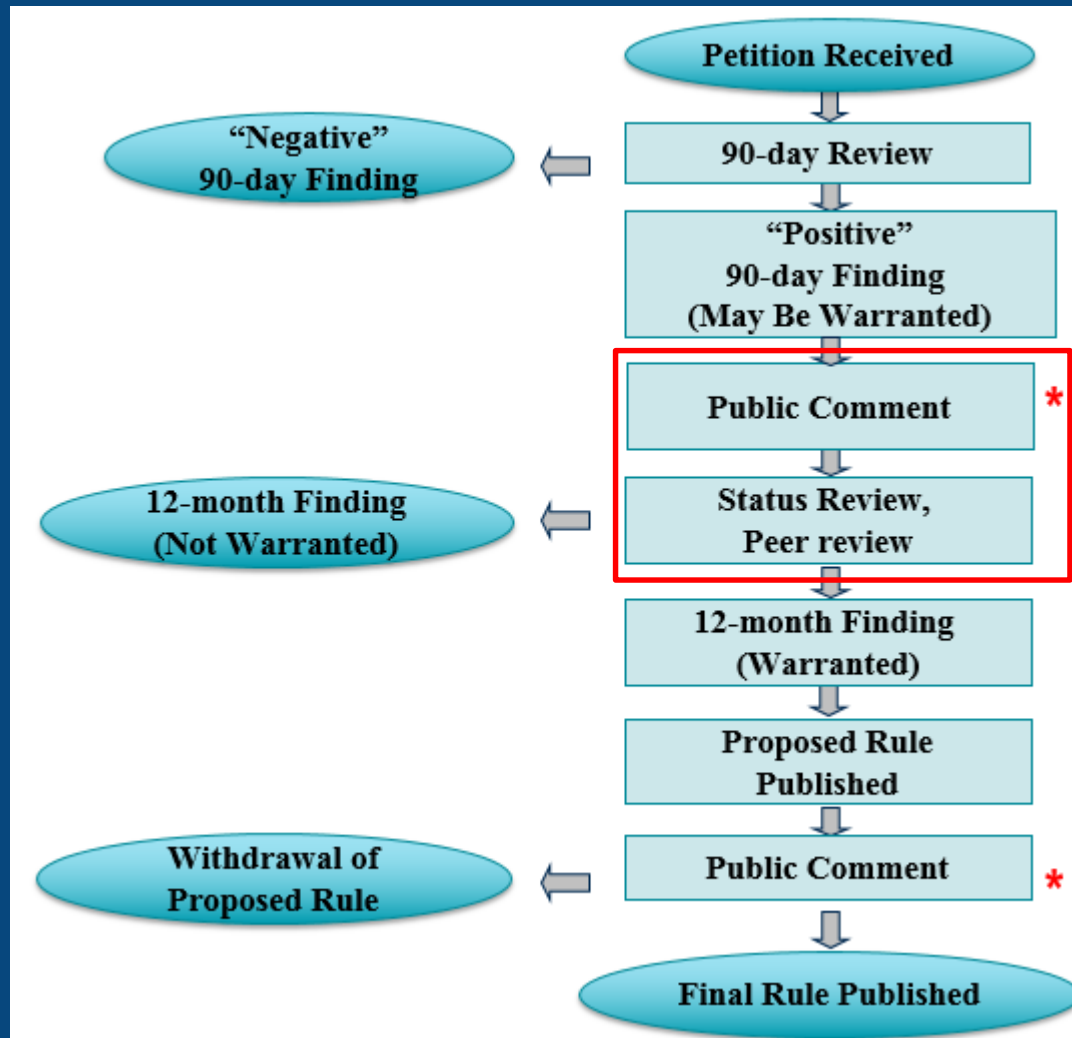
Shortfin Mako Shark

- Global occurrence, highly migratory
- Late-maturing, slow-growing, moderately high longevity and low annual fecundity = low productivity
- Status and trends
 - Stock assessments & CPUE data suggest global declines
- Threats: Overutilization for commercial, recreational, scientific, or educational purposes
 - Incidental catch in commercial fisheries
 - Opportunistic retention
- Based on information in petition, NMFS found that listing as threatened or endangered species may be warranted



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Shortfin Mako Shark



Public Comments

The screenshot shows the Regulations.gov interface for a public comment period. At the top left is the logo for Regulations.gov with the tagline "Your Voice in Federal Decision Making". At the top right is a "SUPPORT" button. Below the header, the page title is "Docket (NOAA-NMFS-2021-0028) / Document". A "Comment Period Ends: 42 Days" badge is visible in the top right. The main heading is "PROPOSED RULE" followed by the title "Endangered and Threatened Wildlife and Plants: 90-Day Finding on a Petition To List the Shortfin Mako Shark as Threatened or Endangered Under the Endangered Species Act". Below the title, it says "Posted by the National Oceanic and Atmospheric Administration on Apr 15, 2021". There are "Comment" and "Share" buttons. A navigation bar includes "Document Details" and "Browse Comments 2". The content area shows a "Document ID" of NOAA-NMFS-2021-0028-0002, a "Content" field, and an "Action" field with the text "90-day petition finding, request for information, and initiation of status review." There is also a "Comments Received" section.

- We are soliciting comments on abundance, trends, distribution, population structure, habitat, threats, conservation measures
- Regulations.gov, search **NOAA-NMFS-2021-0028** or visit the [NOAA Fisheries website](#)
- Comment period closes **June 14th, 2021**



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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



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Questions?

Contact information: Adrienne Lohe, adrienne.lohe@noaa.gov

- To learn more about recent Protected Resources actions, please see our [recent regulations and actions webpage](#).
- To read the petition to list shortfin mako shark and the positive 90-day finding, please see our [shortfin mako shark species webpage](#).
- To learn more about recovery of ESA-listed species, see our [recovery webpage](#).
- To get more information on consultations under section 7 of the ESA, please see our [consultation webpage](#).



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