

Slide 6: The Petition Process

Slide 7: The Petition Process

Within 90 days of receiving a petition, an initial finding is due.

We must determine whether the petition presents substantial scientific or commercial information indicating that the requested action may be warranted. And we must promptly publish our finding in the Federal Register.

Substantial information means that the amount of information in the petition would lead a reasonable person to conclude that the petitioned action may be warranted.

I want to stress the word “may.” At this stage, this 90-day finding is based solely on the information in the petition and on existing information in an agency’s files. We don’t, at this point, seek additional information beyond what is put before us.

Slide 8: The Petition Process

A 90-day finding has two possible outcomes. We can find that a petition does not present substantial scientific and commercial information that the action may be warranted. In this case, the process ends.

Or, we can find that the petition does present substantial information. This is **not** a decision that listing, delisting, or reclassification is warranted ... only a finding that such an action **may** be warranted.

In either case, we publish our finding in the Federal Register.

Slide 9: Status Review

Let’s assume we’ve made a positive 90-day finding. How would either the Fish and Wildlife Service or the National Marine Fisheries Service proceed?

A formal status review would begin. We would seek to compile as much information as possible about the species, its current status, threats to the species, and whether the petitioned action is warranted. Here is where we take an in-depth look at whether a species meets the definition of “threatened” or “endangered.”

We include in this review all of the information that has come to us in response to publication of our 90-day finding in the Federal Register. Additionally, we use information we solicit from other Federal agencies, tribes, states, conservation organizations, universities, and other groups.

We must complete this status review within 12 months after the petition was first received. Our decision becomes known as a 12-month petition finding.

Slide 10: 12 Month Finding

A 12-month petition finding has three possible outcomes – not warranted, warranted, or warranted but precluded by other listing activity.

Let's examine each of these options in detail.

Slide 11: Listing Not Warranted

If the results of our status review show that listing, delisting, or reclassification is not warranted, the process concludes. We announce it to the petitioner and all other interested parties through a Federal Register notice.

Slide 12: Listing Warranted (Proposed Rule)

If we issue a warranted finding, we must promptly publish a proposed rule for the requested action. But there's one major exception ...

Slide 13: Listing Warranted But Precluded

If there are other, higher-priority listing actions before us ... and when there aren't enough staff or budget to proceed with all listing actions that are warranted ... we can issue a "warranted but precluded" finding.

This means that higher-priority actions take precedence over this new petition. But we can't simply use this option as a way of easily disposing of a petition. We must show that we're making expeditious progress to add, remove, or reclassify other qualified species.

Slide 14: Listing Warranted But Precluded

When a "warranted but precluded" finding is made, work doesn't stop there. The petitioned species becomes a candidate for listing. It is assigned a listing priority number and its status is reviewed and updated annually. The decision to proceed with the action is based on the listing workload, weighed against personnel and money, and is evaluated on a national scale, rather than being based on regional- or field-level priorities.

Slide 15: 12 Month Reconsideration

We reconsider this candidate species every 12 months.

These 12-month findings address whether listing, delisting, or reclassification is still warranted and, if so, whether its listing priority number should change or remain the same. If the action ranks highly enough in national priority, a proposed rule is produced. If not, the species remains a candidate. A not warranted finding ends the petition process for that species and it is removed from the candidate list.

So you see, each option in the petition process at this advanced stage triggers another step by the Fish and Wildlife Service or the National Marine Fisheries Service, leading ultimately to a final decision.

Slide 16: Listing Warranted (Proposed Rule)

When the warranted finding is issued, we then proceed within the following year to propose the species and issue a final rule officially adding the species to the endangered and threatened species list. That process is covered in greater detail elsewhere in this course.

Slide 17: It's Exercise Time!

Now It's Exercise Time!

When you are ready please go to the next page to begin Exercise 6. In this exercise you will be given some quiz questions that will allow you to determine how well you absorbed the content on petitions. When you are finished with Exercise 6, you will be prompted to continue on to Exercise 7. In Exercise 7, you will be provided with some scenarios that will allow you to review a petition and determine what the Service is being asked to do. Then you'll decide whether that action is warranted based on the requirements listed in Section 4 of the ESA. Just like what the Fish and Wildlife Service and the National Marine Fisheries Service do every day.

Once you are finished with Exercise 7 you will proceed to the Conclusion for petitions. Good luck!