



NOTICE TO THE WILDLIFE IMPORT/EXPORT COMMUNITY



September 30, 2010

Subject: Listing of Shovelnose Sturgeon under the Similarity of Appearance Provisions of the Endangered Species Act (ESA)

Background: On September 1, 2010, the Service determined it was necessary to treat shovelnose sturgeon (*Scaphirhynchus platorynchus*) as threatened due to similarity of appearance to the endangered pallid sturgeon (*Scaphirhynchus albus*) (75 FR 53598). The shovelnose sturgeon and the endangered pallid sturgeon are difficult to differentiate in the wild and inhabit overlapping portions of the Missouri and Mississippi River basins. Treating the shovelnose sturgeon as threatened under the “similarity of appearance” provision of the ESA extends take prohibitions to shovelnose sturgeon, shovelnose-pallid sturgeon hybrids, and their roe when associated with commercial fishing activity. Under this special rule, take of any shovelnose sturgeon, shovelnose-pallid sturgeon hybrids or their roe associated with or related to a commercial fishing activity is prohibited within the geographic areas set forth in the rule. Shovelnose sturgeon and shovelnose-pallid sturgeon hybrids taken outside the specified geographic areas are not subject to this special rule.

Action: Exporters of shovelnose sturgeon including parts and products should be aware of these new prohibitions under the ESA for the shovelnose sturgeon and shovelnose-pallid sturgeon hybrids from certain geographic areas in the United States. Effective October 1, 2010, exporters will be required to demonstrate that their shovelnose sturgeon and shovelnose-pallid sturgeon specimens are in compliance with the ESA special rule and that the specimens were not taken from the geographic areas where take is prohibited on or after October 1, 2010.

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