

News Release

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Services Revise Proposal for Improving Endangered Species Act Petition Process

Proposal designed to improve quality of listing petitions and promote coordination between state and federal wildlife agencies

In consideration of feedback from the public and stakeholder groups, the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services) have revised their proposed improvements to the regulations governing the Endangered Species Act (ESA) petitioning process. The regulations guide how species are petitioned for listing, delisting or reclassification under the ESA, and how critical habitat is petitioned for revision. The proposed changes are designed to improve the quality of petitions the Service receives and promote better coordination with state wildlife agencies.

Improved petitions and petitioning processes will also allow the Services and their partners to more efficiently utilize limited staff and budget resources for the effective protection and restoration of America's most imperiled wildlife. Originally announced in May 2015, this updated set of revisions reflect a thorough review of extensive feedback received during the public comment period.

“Over the last year we have listened closely to the public, to states and to organizations on how to best improve petition regulations,” said Dan Ashe, U.S. Fish and Wildlife Service Director. “These revisions reduce some of the burdens the initial proposal placed on petitioners, yet retain the proposed improvements to the quality of incoming petitions and ensure better working partnerships with states, which are critical in conserving America's imperiled species.”

Specifically, the new revisions simplify the original proposal that petitioners coordinate with states, and remove the proposed requirement for petitioners to certify they provided all relevant information on a species. The revisions also clarify the proposed limit of one species per petition. More details on these and other major provisions, as well as what changed from the original proposal, are as follows:

Improved engagement by state wildlife agencies: Petitioners would be required to send a notification letter to each state wildlife agency in which the species occurs at least 30 days before submitting the petition to the Services. This would provide states an opportunity to submit

pertinent information on petitioned species, while not requiring anything additional from petitioners.

We removed the original proposed requirements for petitioners to solicit information from state wildlife agencies prior to submitting a petition, to include that information in the petition, and to submit copies of petitions to the state wildlife agencies. From the many comments received, we realized the complexity of attempting to contact and gather data from multiple state wildlife agencies would likely have been overly burdensome.

Improved quality of petitions: We removed the original proposed requirement that petitioners certify that they gathered all relevant information on the petitioned species. It would have likely been too difficult for petitioners to provide all possible relevant information on a species, or know and certify that all relevant information had been discovered.

Clarification of number of species per petition: We clarify that petitions are to be limited to only one species and that this applies to “taxonomic species.” A petition may still address any members of a single species as defined by the ESA, including the full species and one or more subspecies. For vertebrate species, this includes one or more distinct population segment (DPS). One petition may request consideration of both the full species entity and a subspecies of that entity. For vertebrate species, a petition can include one or more DPSs of the species.

Paperwork Reduction Act requirement: A Paperwork Reduction Act (PRA) control number will now be now required for ESA petition regulations. This proposed rule seeks public comment on PRA burden estimates.

The revisions to the ESA petition process are a part of a broader agenda by the Obama administration, [outlined in 2011](#), to improve the effectiveness of the ESA through increased transparency, improved regulations and greater stakeholder engagement.

For more information on the revised proposed ESA petition regulations, go to <https://www.federalregister.gov/public-inspection>. Public comments on the proposed rule will be accepted on or before May 20, 2016. If you are using the Federal eRulemaking Portal (www.regulations.gov), enter the docket number for this proposed rule (FWS–HQ–ES–2015–0016) in the Search box. The deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on the closing date.

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