

NEWS RELEASE

**U.S. FISH AND WILDLIFE SERVICE
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Fish and Wildlife Service Proposes Endangered Species Act Protection for the Shovelnose Sturgeon

The Fish and Wildlife Service (Service) is proposing to treat the shovelnose sturgeon as a threatened species under the Endangered Species Act (Act) due to its similarity of appearance to the endangered pallid sturgeon. The Service is also proposing a special rule that would prohibit harvest of flesh or roe of shovelnose sturgeon and shovelnose-pallid sturgeon hybrids when associated with a commercial fishing activity.

The pallid sturgeon was listed as an endangered species in 1990. Because shovelnose sturgeon and pallid sturgeon are difficult to differentiate in the wild and because domestic sturgeon fishing pressure has been driven by demand for sturgeon and their roe, the Service believes that treating the shovelnose sturgeon as a threatened species will substantially facilitate the enforcement and further purposes of the Act and ultimately aid the conservation and recovery of pallid sturgeon.

The Service proposes to regulate the take of shovelnose sturgeon and shovelnose-pallid sturgeon hybrids only in areas where the shovelnose and pallid sturgeons' range commonly overlap. Specifically, this includes the portion of the Missouri River in Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, and South Dakota; the portion of the Mississippi River in Arkansas, Kentucky, Illinois (downstream from Melvin Price Locks and Dam), Louisiana, Mississippi, Missouri (downstream from Melvin Price Locks and Dam), and Tennessee; the Platte River in Nebraska (downstream of the Elkhorn River confluence); a portion of the Kansas River (downstream from Bowersock Dam in Kansas); the Yellowstone River in North Dakota and Montana (downstream of the Bighorn River confluence); and the Atchafalaya River in Louisiana.

To ensure this proposal is based on scientifically sound data, the Service will submit the proposal for independent review. The Service will also accept comments and scientific information regarding this proposal from interested parties until November 23, 2009. All information including the independent review comments will be considered in the final rule making process.

The Endangered Species Act prohibits “take” of species that are listed as endangered or threatened except where authorized by permit or by a special rule that exempts the take prohibition for certain activities that are consistent with conservation of the species.

“Take” is defined in the Act as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. This rule would prohibit take of any shovelnose sturgeon, shovelnose–pallid sturgeon hybrids, or their roe when associated with or related to a commercial fishing activity in those portions of its range that commonly overlap with the range of endangered pallid sturgeon. In this context, commercial fishing purposes is defined as any activity where shovelnose sturgeon and shovelnose–pallid sturgeon hybrid roe or flesh is, is attempted to be, or is intended to be traded, sold, or exchanged for goods or services.

Capture of shovelnose sturgeon or shovelnose–pallid sturgeon hybrids in any commercial fishing gear is not prohibited if it is accidental or incidental to otherwise legal commercial fishing activities, such as commercial fishing targeting nonsturgeon species, provided the animal is released immediately upon discovery, with all roe intact, at the point of capture. All otherwise legal activities involving shovelnose sturgeon and shovelnose–pallid sturgeon hybrids that are conducted in accordance with applicable State, Federal, Tribal, and local laws and regulations are not considered to be take under this proposed regulation.

This proposed rule is not expected to impact recreational fishing or other non-commercial fishing activities.

Section 4(e) of the Endangered Species Act authorizes the treatment of a species as endangered or threatened if (a) the species so closely resembles in appearance a listed species that law enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species; (b) the effects of this substantial difficulty is an additional threat to an endangered or threatened species; and (c) such treatment of an unlisted species will substantially facilitate the enforcement and further purposes of the Act. With regard to the shovelnose sturgeon, the Service believes each of these factors applies.

This proposal is published in today’s Federal Register. For more information, please visit the Service’s web site at:

http://www.fws.gov/mountain-prairie/missouririver/moriver_pallidsturgeon.htm

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit **www.fws.gov**.