The Petition Process

For requests to list a species as threatened or endangered under the Endangered Species Act

What are petitions for listing?

Petitions are formal requests to list a species as endangered or threatened under the Endangered Species Act. The ESA requires that we make and publish specific findings on the petition. We (or the National Marine Fisheries Service for most marine species) must make a finding within 90 days of receiving a petition (to the extent practicable) as to whether or not there is "substantial information" indicating that the petitioned listing *may be* warranted. If this preliminary finding is positive, a status review is conducted. Within one year of receipt of the petition, we must make a further finding that the listing either is or *is not* warranted. A positive one-year finding can be incorporated into a proposed listing or, if a prompt proposal is precluded by other listing activities, the proposal may be deferred. These "warranted but precluded" proposals require subsequent one-year findings on each succeeding anniversary of the petition until either a proposal is undertaken or a "not warranted" finding is made.

**U.S. Fish & Wildlife Service
Endangered Species Program
703-358-2171
http://www.fws.gov/endangered/**

March 2011

Petition received

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Service review (90 days)

"Not substantial" information

"Substantial" information, listing "may be warranted"

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Review and information gathering (12 month status review)

Data doesn't support need to list, "Not warranted"

Data supports need to list but other species are of higher priority, "Warranted but precluded" Re-evaluate annually

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Data supports need to list, "Listing is warranted"

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Publish proposed rule to list in *Federal Register*

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Solicit expert opinions of 3 appropriate and independent species specialists (peer review). Seek input from public, scientific community, Federal and State agencies (60 day comment period)

Announce decision not to list

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Publish final rule to list in *Federal Register*

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Species added to list (effective 30 days after announcement)