

Current American eel petition process

- 4/30/10** Service receives petition to list eel from Council on Endangered Species Act Reliability (CESAR)
- 9/29/11** Service publishes in the Federal Register a substantial 90-day finding stating petition and info in Service files indicates listing may be warranted. *Substantial info only for Factor E; primarily that climate change may be impacting ocean conditions in the Sargasso Sea such that eel recruitment may be affected.* Service initiates status review on the American eel and open 30 day information collection period.
- 11/28/11** Information collection period through www.regulations.gov ends. However, Service still accepting information; send to krishna_gifford@fws.gov or steven_shepard@fws.gov.
- 12/23/11** CESAR files legal complaint for the Service's failure to complete 12-month status review within the ESA statutory timeline.
- *To date, completion of status review hampered by lack of funding. All Service endangered species funding allocated to higher priority listing actions.*
 - *All information quickly scanned to ensure that nothing indicates emergency listing is warranted.*
- 4/26/13** District of Columbia District Court approves settlement agreement between the Service and CESAR. The Service must complete a 12-month petition finding no later than 9/30/15.
- Oct. 2013** Steve Shepard is now the Service's lead point of contact for the American eel 12-month finding status review. We are developing a project plan that identifies: (1) other Service, Federal, State, or other staff with expertise that may be needed; (2) anticipated decision analysis; and (3) interim deadlines for publishing a decision document by 9/30/15.
- *Potential decision outcomes:*
 - Listing not warranted (end of petition process);
 - Listing warranted but precluded (species meets definition of threatened or endangered, but other higher priority listing work prevents Service from completing the rulemaking process) and American eel assigned a listing priority number and added to the Candidate list; or
 - Listing warranted (Service combines 12-month warranted petition finding with a proposed rule to list the species; 60 day comment period on rule opened and Service conducts peer review; final determination (withdrawal of proposed rule or final listing rule) made within 1 year of proposed rule).