



NOAA
FISHERIES



Proposed Protective Regulations for the Oceanic Whitetip Shark

Overview

Once among the most common shark species in tropical waters around the world, the oceanic whitetip shark has experienced significant population declines over the last several decades. Available evidence indicates that these declines are likely ongoing. The most significant threats to the species include incidental bycatch in commercial fisheries, illegal international trade of fins, and inadequate regulatory measures to address these threats. For these reasons, the oceanic whitetip shark was listed as a threatened species under the U.S. Endangered Species Act (ESA) in 2018.

When a species is listed as threatened, the prohibited acts in section [9\(a\)\(1\) of the ESA](#) do not automatically apply to that species like they would for a species that is listed as endangered. However, [section 4\(d\) of the ESA](#) authorizes NOAA Fisheries to issue regulations that are necessary and advisable for the conservation of the species, or to prohibit any or all acts listed in section 9(a)(1).

Proposed Application of Section 9(a)(1) Prohibitions

In order to reduce threats from fishing interactions and help recover the species, NOAA Fisheries is proposing to apply all ESA section 9(a)(1) prohibitions to the species, with limited exceptions for scientific research and law enforcement activities. This includes prohibiting “take” of an oceanic whitetip shark. Under the ESA, the term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Examples of activities that would be illegal if this proposed rule were finalized include:

- Fishing activity that results in intentional or incidental take of oceanic whitetip sharks—***unless one of the following applies:***
 - Authorized by an incidental take statement issued through a biological opinion during section 7 consultation
 - Permitted through section 10 of the ESA
- Interstate or foreign commerce in oceanic whitetip sharks, or their parts or products
- Import or export of oceanic whitetip sharks, or their parts or products—***unless one of the following applies:***
 - Permitted through section 10 of the ESA
 - Subject to the scientific research activity exception in this proposed rule

Proposed Exceptions to the Section 9(a)(1) Prohibitions

NOAA Fisheries is proposing to apply the following exceptions to the section 9(a)(1) prohibitions. These exceptions will contribute to the conservation of the species:

- Import and/or export of scientific samples, if the shipment is accompanied by proper permits issued under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) indicating the trade is for scientific research purposes
- Non-lethal take for scientific research purposes, if done by or in collaboration with a research institution; state, tribal, or federal agency; or other scientific organization in a good faith effort to advance conservation and recovery of the species
- Take by law enforcement officials in certain circumstances

SUBMIT COMMENTS

Online:

www.regulations.gov/document/NOAA-NMFS-2023-0117-0001

By mail:

Adrienne Lohe, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway (SSMC3), Silver Spring, MD 20910

Comments due by:

September 15, 2024

MORE INFORMATION

Online:

www.fisheries.noaa.gov/action/proposed-protective-regulations-oceanic-whitetip-shark

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