

Petition to List
the Mohave ground squirrel
(*Spermophilus mohavensis*)

Current Status

Background

- DOI was petitioned to list the Mohave ground squirrel as endangered in September 2005
- In response the FWS produces a “90-day finding” published in the *Federal Register*

Why is the FWS's document called a 90-day finding?

- Under ESA, when a petition is received the FWS must **to the maximum extent practicable** within 90 days after receiving the petition make a finding as to whether the petition presents substantial scientific or commercial information indicating the petitioned action may be warranted (16 U.S.C. 1533(b)(3)(A)).

Substantial Information

- “Substantial information” is the “amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted” 50 CFR 424.14(b).
- It is the petitioner’s burden to provide the USFWS with the necessary substantial scientific or commercial information 16.U.S.C. 1533(b)(3)(A); 50 CFR 424.14(b).

Are 90-day findings a priority?

- They are a priority
- There are higher priorities, such as law suit settlements, court orders, etc.
- Because of higher priorities, 90-day finding are not published in the *Federal Register* in 90 days

What is the process after DOI receives a petition?

- Current petition review process

Field Office

Assigned to FWS field office

Prepared by field biologist

Reviewed by listing coordinator, then management at field office

Comments addressed by field biologist

Next Steps

- FWS Regional Office

Forwarded to Regional Office

(California/Nevada Operations Office =
Region 8) for review by listing staff, then
management

Forwarded to Regional Solicitors Office for
review

Next Steps

- FWS Washington Office

Forwarded to Washington Office for review by staff, then management and the WO of the Solicitor

Next Steps

- Department of the Interior Office
Forwarded to DOI for review
Forwarded to the *Federal Register* for
publication

Results

- If the 90-day finding is substantial or positive, FWS initiates a 12-month or 1 year finding which includes a full status review of the species.
 - This 12 month period includes the 90-day finding period
 - Because of higher priorities the 12-month finding is not completed in 12 months
- If the 90-day finding is not substantial or negative, the listing process is completed for this petition action.

Where is the Mohave ground squirrel petition in this process?

- Field Office

 - Assigned to field office

 - Prepared by field biologist

 - Reviewed by listing coordinator, then management

- Regional Office

 - Forwarded to RO for review by listing staff, then management

 - Forwarded to Regional Solicitors Office for review**

- Washington Office

 - Forwarded to Washington Office for review by staff, then management and WO of Solicitor

- Departmental Office

 - Forwarded to DOI for review

 - Forwarded to the *Federal Register* for publication

When will the 90-day Finding be published?