



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD118]

#### Endangered and Threatened Species; Initiation of 5-Year Reviews for Black Abalone and White Abalone

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of initiation of 5-year review; request for information.

**SUMMARY:** NMFS announces its intent to conduct 5-year reviews for black abalone (*Haliotis cracherodii*) and white abalone (*H. sorenseni*), both listed as endangered under the Endangered Species Act (ESA). NMFS is required by the ESA to conduct 5-year reviews to ensure that the listing classifications of species are accurate. The 5-year reviews must be based on the best scientific and commercial data available at the time. We request submission of any such information on black abalone and white abalone, particularly information on their status, threats, and recovery that has become available since the last 5-year reviews in 2018.

**DATES:** To allow us adequate time to conduct this review, we must receive your information no later than *[INSERT DATE 60 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]*. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** Submit your information, identified by docket number NOAA–NMFS–2023–0086, electronically via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov>. In the “Search” box, enter the above docket number for this notice. Then, click on the “Search” icon. On the resulting web page, click the “Comment” icon, complete the required fields, and enter or attach your comments.

*Instructions:* NMFS may not consider comments if they are sent by any other method or received after the comment period ends. All comments received are a part of the public record. NMFS will post the comments for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive or protected information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous submissions (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Melissa Neuman, NMFS West Coast Region, 562-980-4115, or Susan Wang, NMFS West Coast Region, 562-980-4199.

**SUPPLEMENTARY INFORMATION:** Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every 5 years. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review. On the basis of such reviews, under section 4(c)(2)(B) of the ESA we determine whether a listed species should be delisted or reclassified from endangered to threatened or from threatened to endangered. As described by the regulations in 50 CFR 424.11(e), the Secretary shall delist a species if the Secretary finds that, after conducting a status review based on the best scientific and commercial data available: (1) The species is extinct; (2) the species does not meet the definition of an endangered species or a threatened species; or (3) the listed entity does not meet the statutory definition of a species. Any change in Federal classification would require a separate rulemaking process.

The white abalone was listed as endangered under the ESA on May 29, 2001 (66 FR 29046), and the black abalone was listed as endangered under the ESA on January 14, 2009 (74 FR 1937). Background information on white abalone is available on the NMFS website at: <https://www.fisheries.noaa.gov/species/white-abalone>. Background

information on black abalone is available on the NMFS website at:

*<https://www.fisheries.noaa.gov/species/black-abalone>*.

### **Determining if a Species Is Threatened or Endangered**

Section 4(a)(1) of the ESA requires that we determine whether a species is endangered or threatened based on one or more of the five following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Section 4(b) also requires that our determination be made on the basis of the best scientific and commercial data available after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, to protect such species.

### **Public Solicitation of New Relevant Information**

To ensure that the 5-year reviews are complete and based on the best scientific and commercial data available, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of white abalone and/or black abalone. Categories of requested information include: (1) species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and important features for conservation; (3) status and trends of threats to the species and its habitats; (4) conservation measures that have been implemented that benefit the species, including monitoring data demonstrating effectiveness of such measures; (5) need for additional conservation measures; and (6) other new information, data, or

corrections including, but not limited to, taxonomic or nomenclatural changes and improved analytical methods for evaluating extinction risk.

If you wish to provide information for the 5-year reviews, you may submit your information and materials electronically (see **ADDRESSES** section). We request that all information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications. We also would appreciate the submitter's name, address, and any association, institution, or business that the person represents; however, we will also accept anonymous submissions.

**Authority:** 16 U.S.C. 1531 *et seq.*

**Dated:** June 30, 2023.

**Angela Somma,**

*Chief, Endangered Species Division,*

*Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2023-14314 Filed: 7/6/2023 8:45 am; Publication Date: 7/7/2023]