

National Marine Fisheries Service/NOAA, Commerce

§ 224.103

Species ¹			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Sturgeon, shortnose.	<i>Acipenser brevirostrum</i> .	Entire species	32 FR 4001, Mar. 11, 1967.	NA	NA.
Totoaba	<i>Cynoscion macdonaldi</i> .	Entire species	44 FR 29480, May 21, 1979.	NA	NA.
Molluscs					
Abalone, black	<i>Haliotis cracherodii</i> .	Entire species	74 FR 1937, Jan. 14, 2009.	226.221	NA.
Abalone, white	<i>Haliotis sorenseni</i>	Entire species	66 FR 29054, May 29, 2001.	NA	NA.
Corals					
Coral, [no common name].	<i>Cantharellus noumeae</i> .	Entire species	80 FR 60560, Oct. 7, 2015.	NA	NA.
Coral, [no common name].	<i>Tubastraea floreana</i> .	Entire species	80 FR 60560, Oct. 7, 2015.	NA	NA.

¹ Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

² Jurisdiction for sea turtles by the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, is limited to turtles while in the water.

[79 FR 20814, Apr. 14, 2014, as amended at 79 FR 31227, June 2, 2014; 79 FR 38241, July 3, 2014; 79 FR 68372, Nov. 17, 2014; 79 FR 74005, Dec. 12, 2014; 79 FR 78725, Dec. 31, 2014; 80 FR 7978, Feb. 13, 2015; 80 FR 7390, Feb. 10, 2015; 80 FR 60564, Oct. 7, 2015; 81 FR 20090, Apr. 6, 2016; 81 FR 50400, Aug. 1, 2016; 81 FR 62320, Sept. 8, 2016; 81 FR 72549, Oct. 20, 2016; 82 FR 7720, Jan. 23, 2017; 82 FR 21740, May 10, 2017; 82 FR 43710, Sept. 19, 2017; 83 FR 21186, May 9, 2018; 83 FR 35091, July 24, 2018; 84 FR 15487, Apr. 15, 2019; 85 FR 81836, Dec. 17, 2020; 86 FR 21152, Apr. 21, 2021; 86 FR 47024, Aug. 23, 2021; 86 FR 74380, Dec. 30, 2021]

§ 224.102 Permits for endangered marine and anadromous species.

No person shall take, import, export, or engage in any activity prohibited by section 9 of the Act involving any marine species that has been determined to be endangered under the Endangered Species Conservation Act of 1969 or the Act, and that is under the jurisdiction of the Secretary, without a valid permit issued pursuant to part 222, subpart C of this chapter.

§ 224.103 Special prohibitions for endangered marine mammals.

(a) [Reserved]

(b) *Approaching endangered humpback whales in Alaska*—(1) *Prohibitions*. Except as provided under paragraph (b)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, within 200 nautical miles (370.4 km) of Alaska, or within inland waters of the state, any of the acts in paragraphs (b)(1)(i) through (b)(1)(iii) of this sec-

tion with respect to endangered humpback whales (*Megaptera novaeangliae*):

(i) Approach, by any means, including by interception (i.e., placing a vessel in the path of an oncoming humpback whale so that the whale surfaces within 100 yards (91.4 m) of the vessel), within 100 yards (91.4 m) of any humpback whale;

(ii) Cause a vessel or other object to approach within 100 yards (91.4 m) of a humpback whale; or

(iii) Disrupt the normal behavior or prior activity of a whale by any other act or omission. A disruption of normal behavior may be manifested by, among other actions on the part of the whale, a rapid change in direction or speed; escape tactics such as prolonged diving, underwater course changes, underwater exhalation, or evasive swimming patterns; interruptions of breeding, nursing, or resting activities, attempts by a whale to shield a calf from a vessel or human observer by tail swishing or by other protective movement; or the abandonment of a previously frequented area.