

Sec. 4(a)(1)
Determination of Endangered or Threatened Species -- LISTING FACTORS

(A) the present or threatened destruction, modification, or curtailment of its habitat or range;

Loss of terrestrial habitat is not an issue

Indications that prey availability and quality may have been causing the decline, through decreased juvenile survival

(B) overutilization for commercial, recreational, scientific, or educational purposes;

Overutilization has not been a significant contributing factor for either education or scientific purposes

(C) disease or predation;

Predation by orcas is well known but the quantity and significance is not known, some shark predation as well

No evidence that disease is a significant factor

(D) the inadequacy of existing regulatory mechanisms;

Take Prohibitions: under the ESA and MMPA (adequate)

Regulations Prohibiting Discharge of Firearms: ESA buffer zones and MMPA rules about firearms (effective)

No Approach in Buffer Zones: 3 nm around rookeries (effective)

Quotas on Incidental Takings: MMPA requirements, PBR, Strategic Stocks, Negligible impacts on incidental takings in fisheries (effective)

Critical Habitat: designated

Restrictions on fishing activities: NMFS had implemented a suit of closures to protect prey availability around important rookeries

Other Regulatory Mechanisms: Other agencies cooperate and under section 7 these mechanisms are adequate

Conclusions under regulatory mechanisms:

No final conclusion can be reached, it will be explored further through section 7 and research

(E) other natural or manmade factors affecting its continued existence

Removals from the Western Segment: incidental take in fisheries and subsistence harvest have contributed - 'should the western population segment continue to decline, these removals may become significant'

Food Availability for the Western Population Segment: likely that both human induced changes in the ecosystem (fishing) and natural change (regime shift, climate change) resulted in adverse prey conditions

Contaminants: No evidence as a factor

Final Determination for Endangered Listing

Based mostly on the status of the species - the decline and the PVA

“Although the precise cause(s) of the decline have not been determined, it is likely that the current condition is caused by a combination of the factors specified under section 4(a)(1) of the ESA.” (from proposed rule)