

impacts previously considered in relation to part 591.

List of Subjects in 49 CFR Part 591

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, part 591 of 49 CFR is amended as follows:

PART 591—[AMENDED]

1. The authority citation for part 591 continues to read as follows:

Authority: Public Law 100-562, 15 U.S.C. 1401, 1407; delegation of authority at 49 CFR 1.50.

§ 591.5 [Amended]

2. In § 591.5(b), the phrase "by the manufacturer" is inserted between the words "or" and "to the equipment item."

3. In § 591.5(h), the introductory text is amended by adding "(s)he" after the word "because" and before the colon.

Issued on: April 19, 1990.

Jeffrey R. Miller,

Deputy Administrator.

[FR Doc. 90-9492 Filed 4-24-90; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 16

RIN 1018-AB33

Importation or Shipment of Injurious Wildlife; Brown Tree Snake

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) amends 50 CFR 16.15 by adding the brown tree snake (*Boiga irregularis*), a non-indigenous reptile of the Family Colubridae, to the list of injurious live reptiles. By this action the Service prohibits the importation into, the acquisition, or transportation of any live animal of brown tree snake (*Boiga irregularis*) between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States. The best available information indicates that this action is necessary to protect the interests of agriculture, human health and safety, and existing fish and wildlife resources from potential adverse effects that could result from purposeful or accidental introduction and subsequent establishment of naturally reproducing brown tree snake populations into

ecosystems of the United States. Live brown tree snakes or viable eggs can only be imported by permit for scientific, medical, educational, or zoological purposes, or without a permit by Federal agencies solely for their own use; permits will also be required for the interstate transportation of live brown tree snakes or viable eggs currently held in the United States for scientific, medical, educational, or zoological purposes. However, this action prohibits interstate transportation of live brown tree snakes or viable eggs currently held in the United States for purposes not listed above.

EFFECTIVE DATE: May 25, 1990.

ADDRESSES: U.S. Fish and Wildlife Service, Division of Fish and Wildlife Management Assistance, 820 ARLSQ, 18th and C Streets NW., Washington, DC, 20240.

FOR FURTHER INFORMATION CONTACT: John Bardwell, Acting Chief, Division of Fish and Wildlife Management Assistance, 820 ARLSQ, 18th and C Streets NW., Washington, DC 20240, telephone (703) 358-1718.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1990, (55 FR 1851), under Authority of the Lacey Act (18 U.S.C. 42), the Service proposes to amend 50 CFR 16.15 to add the brown tree snake (*Boiga irregularis*) to the list of injurious wildlife in order to prohibit importation of live brown tree snakes or any viable eggs thereof. The proposed rule invited comments for 30 days with the comment period ending on February 20, 1990. Copies of the proposed rule were sent to various organizations, associations, and government agencies considered to have knowledge of the brown tree snake or a vested interest in the outcome of the review process. A copy of the mailing list can be obtained by contacting the individual identified in the section above entitled **FOR FURTHER INFORMATION CONTACT**.

Summary of Analysis of Comments and Action Taken

Three written submissions were received by the Service in response to the proposed rule. The responses expressed support for the proposed rule in the belief that introduction of the brown tree snake could pose a threat to the survival of naturally-occurring wildlife resources. In consideration of the above mentioned responses and in light of the best available information concerning the brown tree snake, the Service has determined that this final rule is warranted. The basis for this

decision is included in the following discussion.

Since introduced to Guam during World War II, brown tree snakes have become widely established. Studies by the Guam Division of Aquatic and Wildlife Resources and the Service have implicated the brown tree snake in the precipitous decline of birds on the island of Guam including the extirpation of 9 species within the past two decades. Snakes climbing power poles cause short circuits that frequently result in the loss of power to parts of the island of Guam, and have even caused islandwide blackouts.

The brown tree snake feeds on birds, rodents, and lizards. Nearly half of the people on Guam who raise chickens report predation on eggs and chicks by brown tree snakes. Experience on Guam clearly indicates that the introduction of brown tree snakes into new ecosystems, especially island environments with no naturally occurring snakes and no known natural predators, could pose a significant threat to the survival of wildlife resources, particularly birds. The loss of nectar and fruit eaters also threatens pollination and seed dispersal of native trees and other plants. Predation on native insectivorous birds and reptiles increases vulnerability of agriculture crops and native vegetation to insect pests and increases the risk of insect-borne diseases affecting humans and other animals.

The snake poses health, safety, and technological threats in Guam, where about 1 in every 1000 emergency room visits is for treatment of brown tree snake bites. While considered only mildly venomous, the venom of brown tree snakes can cause serious, even life threatening, reactions in infants. Brown tree snakes invade houses and other buildings on Guam and are known to bite infants in their cribs.

Description of the Final Rule

The regulations contained in 50 CFR part 16 implement the Lacey Act (18 U.S.C. 42) as amended. Under the terms of that law, the Secretary of the Interior is authorized to prescribe by regulation those non-indigenous wild animals or viable eggs thereof, that are deemed to be injurious or potentially injurious to the health and welfare of human beings, to the interests of agriculture, forestry, and horticulture, or the welfare of and survival of wildlife or wildlife resources of the United States. By adding the brown tree snake (*Boiga irregularis*) to the list of injurious live reptiles, their acquisition, importation into, or transportation between States, the District of Columbia, the

Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States by any means whatsoever is prohibited except by permit for zoological, educational, medical, or scientific purpose, or by Federal agencies without a permit solely for their own use upon filing a written declaration with the District Director of Customs and the U.S. Fish and Wildlife Service Inspector at the port of entry. No live brown tree snakes, progeny thereof, or viable eggs, acquired under permit may be sold, donated, loaned, or transferred to any other person or institution unless such person or institution has a permit issued by the Director of the Service. The interstate transportation of any live brown tree snakes or viable eggs thereof currently held in the United States for any purpose not permitted is prohibited.

Distribution

The brown tree snake is native to coastal Australia, Papua New Guinea, and a large number of islands in northwestern Melanesia. The species occurs on both large and small islands, extending from Sulawesi in eastern Indonesia through Papua New Guinea and the Solomon Islands and into the wettest coastal areas of Northern Australia (Kingham 1984; McCoy 1980; In Den Bosch 1985). Individuals of this species have been discovered on several extralimital islands, including Hawaii, but the snakes of Guam represent the only known established population outside the native range (Fritts 1987a).

Biology

The brown tree snake is known to feed on a broad variety of prey species in its native range. Prey in Australia and the Solomon Islands consists of lizards, small mammals, birds, and bird eggs (Worrell 1963; Cogger 1975; McCoy 1980). The brown tree snake is commonly found in bird and poultry cages that it enters at night and, after swallowing birds or eggs, is unable to leave because of prominent lumps in the otherwise slender body (Worrell 1963; Cogger 1975). In Papua New Guinea the brown tree snake regularly takes eggs and chicks, but rats and mice are the preferred food (Parker 1983). Frogs (McCoy 1980; Parker 1983) and other snakes (Fritts and Scott 1985) are also occasionally eaten. Apparently, the small snakes depend primarily on lizards, small birds, and eggs of lizards and birds, whereas larger individuals feed to a greater extent on adult birds, mammals, and larger prey items (Savidge 1986; Greene, in litt.).

The reproductive characteristics of the brown tree snake are poorly known. The female of this species produces 4-12 oblong eggs (Zwinnenberg 1978), perhaps in two or more clutches spaced at 3-week intervals. The eggs are 42-47 mm long and 18-22 mm wide (Parker 1983). They are covered with a leathery shell and often adhere together after the egg shell dries. Females abandon eggs in hollow logs, rock crevices, and sites where the eggs are protected from drying and high temperatures. Females may be capable of producing two clutches per year but the timing of reproduction may depend on seasonal variation in climate and prey abundance. Like females of other snake species, the female brown tree snake may be able to store sperm and produce eggs over several years after a single mating. The brown tree snake is not restricted to trees or forested habitat. In Papua New Guinea it occupies a wide variety of habitats at elevation up to 1200 meters (Parker 1983). The brown tree snake is most commonly found in trees, caves, and near limestone cliffs, but frequently comes down to the ground to forage at night (Cogger 1975; McCoy 1980; Parker 1983). Based on frequent mention of this snake in relation to buildings, domestic poultry, and caged birds, the snake is probably common in human-disturbed habitats and second-growth forests.

Control

The task of preventing snakes from being carried from Guam to other Pacific Islands is a complex one involving several elements and a diversity of governmental agencies and private companies. The success of any effort to minimize the chance of further colonizations will involve active programs on Guam as well as on the islands judged most likely to receive the snake.

The degree of threat to any island will depend on the type of cargo and traffic from Guam, the frequency of such shipments, and the specific conditions at the point of disembarkation. Of the islands and island groups considered to be most at risk of receiving the brown tree snake from Guam are the State of Hawaii, Federated States of Micronesia (Pohnpei, Kosrae, Yap, and Truk), the Republic of Palau, and the Commonwealth of Northern Mariana Islands (Saipan, Tinian, and Rota). Areas at reduced risk are the Marshall Islands, American Samoa, and other Micronesian Islands (especially Nauru) with less frequent air and ship traffic from Guam.

The starting point for any program aimed at reducing the movements of

snakes in ship and air traffic will be informing appropriate governmental agencies and the development of cooperation and communication between the diverse organizations involved in transportation, inspection, and distribution of cargo from off-island. Because most island residents will be unfamiliar with snakes, training of personnel in detecting snakes and responding to sightings will be needed. Educational materials will be needed to inform agency personnel and the general public. Increased awareness on Guam of the advantages to preventing the spread of the brown tree snake will contribute to the effort to detect, capture, and exclude snakes from export cargo and from the cargo dispatch areas.

Early detection of newly established populations is critical to any attempt to eradicate or control this snake. Recently arrived snakes will be in the immediate vicinity, whereas dispersal into more isolated habitats will occur as time passes. Active eradication efforts will be necessary to prevent colonization.

Literature Cited

Citations for all references listed in this rule appear in the Environmental Assessment, copies of which are available by contacting the individual identified in the section above entitled **FOR FURTHER INFORMATION CONTACT**.

Need for Final Rule—Environmental Consequences

The Service believe this final rule is necessary based on currently available data that suggests importation of live brown tree snakes or viable eggs thereof, their release, and subsequent establishment of naturally reproducing populations in ecosystems of the United States or any territories or possessions of the United States could pose a real, or potential threat of undetermined extent to the interest of wildlife resources, agriculture, and human health and safety as follows:

1. Wildlife and biological communities—by destruction of species of native birds, mammals, and lizards; by disrupting vertebrate communities that control insects, disperse seeds, pollinate flowers, and serve as part of natural biological communities.
2. Agriculture—by killing and devouring chickens, pigeons, caged song birds, and bird eggs. The predation on agricultural animals and pets increases vulnerability of agricultural crops and native vegetation to insect pests. The loss of insectivorous birds and changes in the abundance of insectivorous lizards are likely to lead to an increase in insect abundance and make the

invasion of insect pests from other islands much more likely and increase the risk of insect-borne diseases affecting humans and other animals.

3. Human health and safety—by entering houses and commercial buildings. Snakes have been found biting and coiled around infants and small children in their beds. This species is technically a mildly venomous snake. While the degree of its toxicity is poorly known for adults, the venom of the brown tree snake can cause serious, even life threatening, reactions in infants. By causing electrical outages and related damages to equipment, the snakes produce additional threats to human safety. The sudden (even temporary) loss of street lights, traffic controls, hospital equipment, refrigeration systems, and computer networks can produce accidents resulting in injuries, promote food spoilage, and hamper medical services. The trauma of discovering and being bitten by a snake inside residences and workplaces is significant for islanders not familiar with snakes, and also to many off-islanders. By startling drivers and pilots, and by physically interfering with the control of aircraft and automobiles, the snake causes additional infrequent threats to human safety.

Required Determinations

An assessment of the environmental impacts of this rule has been prepared and a determination has been made that the rule is not a major Federal action under the National Environmental Policy Act. The comments submitted to the Service in response to our January 19, 1990, proposed rule provided no new information on environmental impacts that might be expected or attributed to this action; it has been determined, therefore, that the December 5, 1989, "Finding of No Significant Impact" for the Environmental Assessment is still valid for this final rule. It has also been determined that this is not a major rule under Executive Order 12291. In addition, the best available information indicates that no live brown tree snakes or viable eggs thereof are known to be imported for the pet trade or for propagation or any other non-permittable activity and this rule is not expected to have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act. Although the prohibitions imposed by the rule will not significantly affect the human environment in the United States or in the territories and possessions of the United States, the importation and spread of the brown tree snake, without imposing these restrictions, could pose a

potential adverse impact on agriculture, human health and safety, and wildlife resources.

The Environmental Assessment, the Determination of Effects of Rule, and all supporting documents are available for review during regular business hours of 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Service's Division of Fish and Wildlife Management Assistance, Room 840, 4401 N. Fairfax Drive, Arlington, Virginia.

Information Collection Requirements

This final rule contains no information collection requirements for which Office of Management and Budget approval is required under the Paperwork Reduction Act of 1989 (44 U.S.C. 3505 *et seq.*).

Author

The authors of this final rule are Leslie D. Sweeney, Biologist, Division of Fish and Wildlife Management Assistance and Clare Erekson, Special Assistant to the Assistant Director for Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 16

Animal disease, Fish, Freight, Imports, Transportation, and Wildlife.

Accordingly, 50 CFR part 16 is amended as described below:

PART 16—[AMENDED]

1. The authority for part 16 continues to read as follows:

Authority: 16 U.S.C. 42; 74 Stat. 754.

2. Section 16.15 is revised to read as follows:

§ 16.15 Importation of live reptiles or their eggs.

(a) The importation, transportation, or acquisition is prohibited of any live specimen or egg of the brown tree snake (*Boiga irregularis*): Provided, that the Director shall issue permits authorizing the importation, transportation, and possession of such live snakes or viable eggs under the terms and conditions set forth in § 16.22.

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61, all other species of live reptiles or their eggs may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibitional or propagating purposes, but no such live reptiles or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior

written permission for release from such agency.

Dated: March 20, 1990.

Constance B. Harriman,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 90-9570 Filed 4-24-90; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 900367-0087]

Listing of Steller Sea Lions as Threatened Under Endangered Species Act With Protective Regulations; Corrections

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; corrections.

SUMMARY: NMFS is correcting errors in the emergency interim rule listing the Steller sea lion as a threatened species which was published in the Federal Register on April 5, 1990 (55 FR 12645). This notice corrects the effective dates contained in the preamble and the table of listed Steller sea lion rookery sites in § 227.12(a)(3) of the rule.

DATES: This emergency rule is effective on April 5, 1990, and expires on December 3, 1990. Comments are requested by May 7, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Kamella, Chief, Protected Species Management Division, Silver Spring, MD 301-427-2322, or Dr. Howard Braham, Director, National Marine Mammal Laboratory, Seattle, WA, 206-526-4045.

In FR Doc. 90-7924, in the issue of April 5, 1990, beginning on page 12645, make the following corrections:

1. On page 12645, in the second column, under the "DATES" heading, in line 3, "December 31, 1990" should read "December 3, 1990,".

PART 227—[CORRECTED]

§ 227.12(a)(3) [Corrected]

2. On page 12648, in table 1 at the bottom of the page, in the fourth column (in the second set of coordinates for Outer I) under the "Lat." heading, the first entry "51°21.0 N" should read "59°21.0 N".

3. On page 12648, the footnote at the bottom of Table 1 should read "Each site extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower low