
DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****RIN 1018-AB42****Endangered and Threatened Wildlife
and Plants; Proposed Threatened
Status for Argali****AGENCY:** Fish and Wildlife Service,
Interior.**ACTION:** Proposed rule.

SUMMARY: The Service proposes to change and expand its classification of the argali (*Ovis arimon*) a wild sheep of Asia. Instead of one subspecies (*O. a. hodgsoni*) being listed as endangered, as at present, the entire species, which occurs in the Soviet Union, Mongolia, China, and the Himalayan region, would be classified as threatened. This species has declined seriously. This proposal, if made final would implement the protection of the Endangered Species Act of 1973, as amended, for this species. The Service seeks relevant data

and comments from the public. The comments and other available information will be evaluated, and it is emphasized that such review may lead to a final rule that differs substantially from this proposal. The final rule may designate the entire species, or any subspecies or population thereof, as endangered, or may exclude certain populations from any classification. The final rule also may incorporate a special rule covering importation of trophies from any argali populations designated as threatened.

DATES: Comments must be received by February 4, 1991. Public hearing requests must be received by November 19, 1990.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, Room 725; U.S. Fish and Wildlife Service; Washington, DC 20240. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, in Room 750, 4401 Fairfax Drive, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address (703-358-1708 or FTS 921-1708).

SUPPLEMENTARY INFORMATION:

Background

The argali (*Ovis ammon*) is an Asian relative of the North American bighorn sheep (*Ovis canadensis*), but averages somewhat larger in size, and, indeed, is the largest species of wild sheep. In adult males, length is about 70-80 inches (180-200 centimeters), height is 43-49 inches (110-125 centimeters), and weight is 210-310 pounds (95-140 kilograms). The massive spiral horns are up to 75 inches (190 centimeters) long and 20 inches (50 centimeters) in circumference. The general coloration is light brown, with a large white rump patch and white legs (Geist 1984).

The over-all range of the argali includes Soviet Central Asia, southern Siberia, Mongolia, north central and western China including Tibet, Nepal, and the Himalayan portions of Afghanistan, Pakistan, and India. The species generally forages in broad valleys, high pastures, or cold deserts, and may seek refuge in adjacent mountains (Valdez 1982).

There is considerable disagreement regarding the subspecific division of *O. ammon*. Nadler *et al.* (1973) listed 17 subspecies that had been named by various authorities. In a recent revision, Geist (1989) recognized only seven, including *O. a. hodgsoni*, which he

considered to occupy the Himalayas, the Tibetan Plateau, and adjacent areas from northern India and Nepal to Gansu Province of north-central China. Much controversy centers on the distribution of *O. a. hodgsoni*. Some authorities, including Pfeffer (1967) and Valdez (1982), give basically, though not always precisely, the same range accepted by Geist. Others, such as Ellerman and Morrison-Scott (1966) and Sopin (1982) restrict its range to the Himalayan region and Tibet. They recognize another subspecies, *O. a. dalailamae*, in the Kun Lun Shan Mountains and other parts of the northern Tibetan Plateau. Then, according to these writers, farther north in parts of Gansu Province and areas north and east, the subspecies present would be *O. a. jubata* and/or *O. a. darwini*. Still other authorities, including Clark (1964) consider the range of *Hodgsoni* to indeed extend all the way from the Himalayas to the Gobi, but also recognize the presence of *dalailamae* in a limited area to the west.

In the Federal Register of June 14, 1976 (41 FR 24064), the U.S. Fish and Wildlife Service (Service) classified *O. a. hodgsoni* as endangered in Tibet, which later became a province of China. This listing was in response to a petition requesting endangered classification for all taxa that already were on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), but that then were not on the U.S. Lists of Endangered and Threatened Wildlife and Plants. No analysis of the differing views on the distribution of *hodgsoni* was presented in the listing notice. However, recent editions of the List of Endangered and Threatened Wildlife have modified the list for purposes of clarity, not rulemaking listing, to show the range of the subspecies as "China (Tibet, Himalayas)."

In 1988 a legal action developed relative to the importation of trophies of argali killed in Gansu Province of China (see Marshall 1990). In the course of this action, a dispute arose as to whether the trophies represented protected species. As pointed out in a notice issued by the Service's Division of Law Enforcement in the Federal Register of November 24, 1989 (54 FR 48722), it was eventually concluded that the trophies were properly identified as *hodgsoni*. However, at the same time the Service issued another notice (54 FR 48723) stating that it was considering changes to the List of Endangered and Threatened Wildlife so that the range of *hodgsoni* would be fully and accurately delineated. The Service also stated that it had received information suggesting that additional subspecies of *O. ammon* were of serious

conservation concern and might warrant classification as endangered or threatened. The notice also initiated a status review which solicited comments and data relative to the taxonomy, distribution, and bioconservation status of all subspecies of *O. ammon*.

A total of 15 comments was received, including cables providing information from the governments of four nations. Some comments dealt with taxonomy, some with bioconservation, and some with both matters. Richard M. Mitchell, a mammalogist who has traveled extensively in China and made numerous observations of argali there, supported the view that *hodgsoni* is restricted to the Himalayan region and Tibet, that *dalailamae* is a valid subspecies, and that *jubata* occurs in Gansu. San Stiver, a biologist with the Nevada Department of Wildlife who also has worked in China, considered *dalailamae* valid and suggested that the subspecies in Gansu is *darwini*. The government of the People's Republic of China indicated that it regards *dalailamae* as a separate subspecies. Ron Sommerville of the Wildlife Legislative Fund of America, Daryl P. Domning, Chairman of the Nomenclature Committee of the American Society of Mammalogists, John G. Mendoza and Earl B. Baysinger presented comments on the original intent of the U.S. listing of *Ovis ammon hodgsoni*. Additionally, Valerius Geist of the University of Alberta wrote that his studies indicate that *dalailamae* is a synonym of *hodgsoni*, that the range of the latter extends to Gansu, and that *jubata* occurs farther to the east.

Comments dealing with bioconservation status are covered in the "Summary of Factors Affecting the Species," as set forth below. Although there was some disagreement, most comments, as well as available literature, indicate that the species *O. ammon* has undergone a general decline, that certain, if not all, of its populations are in serious jeopardy, and that it is vulnerable to a number of problems, notably hunting and competition for forage and water with expanding herds of domestic livestock. There long has been recognition that the species has disappeared from or become rare in much of the periphery of its historical range—northeastern China, eastern Mongolia, southern Siberia, central Kazakhstan, Afghanistan, Pakistan, India, and Nepal (Harper 1945; Schaller 1977; Union of Soviet Socialist Republics Ministry of Agriculture 1978). However, there had been a general view that the argali remained relatively common and well protected in the heart of its range,

particularly the Tibetan Plateau and Gobi Desert (Cai 1985; Mallon 1985). Now there is evidence of a serious deterioration of status even in those regions.

In the *Federal Register* of May 23, 1990 (55 FR 21207), the Service announced completion of its status review and its intentions for a proposed rulemaking. Many questions remain both with respect to taxonomy and bioconservation, but a solution for purposes of this proposal is to deal with the entire species as a single entity and to apply an appropriate classification based on over-all status. Pursuant to the Endangered Species Act of 1973 (Act), such a classification would be threatened. However, the Service emphasizes that it will be actively seeking additional information during the comment period, that all available data and opinions will be reviewed, and that such evaluation may lead to a final rule that takes a substantially different form than this proposal. In particular, the final rule may designate the entire species *O. ammon*, or any subspecies or populations thereof, as endangered, or the rule may exclude certain subspecies or populations from any classification pursuant to the Act. Therefore, all interested parties are requested to consider such alternatives when examining the proposal and preparing their comments.

The Service recognizes that there is a reasonable argument for the proposition that controlled sport (i.e., noncommercial) hunting may provide economic incentives that contribute to the conservation of certain wildlife populations. These incentives may be direct, by generating funding for essential conservation measures through licensing fees. They may also be indirect, by focusing government attention to the need to protect species of economic value. The Service desires to receive documentation establishing the effect of each sum managed hunting program or proposed program upon species conservation. In particular, the Service seeks information relating to (1) the capacity of the regulating authority to obtain sound data on the populations at issue; (2) legal and practical capacity of the regulating authority to manage the species as a valuable natural resource; (3) recognition that the population concerned is in fact recognized as a valuable resource; (4) the capacity of the population to be maintained at a reasonable population management level concurrent with the controlled harvest; (5) security of the population's habitat; and (6) degree to which funds

derived from the hunting are directly used or earmarked for its conservation.

In connection with these concerns, the Service moreover notes that the argali (exclusive of the subspecies *O. a. hodgsoni*) is listed on Appendix II of CITES and thus, if also listed as threatened, would be covered by section 9(c)(2) of the Act, which indicates that the otherwise-lawful importation of an Appendix II threatened species shall be presumed to be in compliance with provisions of the Act and implementing regulations. However, it is not clear whether importation of such argali as may be listed as threatened would be allowed under section 9(c)(2) even if a more restrictive special rule were issued. The Service seeks public comment at this time relating to the necessity for, enforceability of, appropriateness of, and format of, a special rule expressly providing for importation of such argali subspecies or populations listed as threatened, with such a rule allowing for consideration of the points in the preceding paragraph with regard to the validity of biological information on hunted populations, ability to control harvest, security of the habitat, and benefit to the species as a result of the sport-hunting program. If such a special rule is found necessary, the Service may promulgate it as part of any final rule.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the argali (*Ovis ammon*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Concern for the argali is not new. Based largely on reports from the 1920s and 1930s, Harper (1945) provided a generally pessimistic review of the status of *O. ammon* and other wild sheep. He indicated that the argali once had occurred all across northeastern China to just north and west of Beijing, but had disappeared from most of the region because of agricultural usurpation of its habitat and excessive hunting by Western sportsmen. *O. ammon* also originally had been present in Siberia, but had been extirpated to the south and the east of Lake Baikal by hunters in the 19th century and had declined in the Altai

Mountains to the west. According to Mallon (1985), the species disappeared from northeastern Mongolia in the early 20th century. Cai (1985) noted that the argali still occurred in northeastern China, but gave no recent records. In his response to the Service's status review, Valerius Geist (University of Calgary) stated that the population of northeastern China, east of Gansu Province, is possibly extinct.

The Union of Soviet Socialist Republics Ministry of Agriculture (1976) recognized the argali populations in most of Soviet Central Asia as "rare" and indicated that they had disappeared from much of their former range. More recently, Fedosenko (1985) provided an even more depressing review of the status of *O. ammon* in the Soviet Union. The main reason for the declines, and the complete elimination in some areas, is competition with livestock. The great majority of habitats, presently or previously used by the argali, are now occupied by domestic sheep or other livestock. The most intensive competition is for winter range. At that time the argali is forced to feed in areas above the domestic sheep herds, where the snow is very deep. On the Pamir Plateau the argali herds attempt to descend to intermountain valleys for the winter, but may find that the habitat has been overgrazed by domestic animals.

Fedosenko (1985) indicated that the historical decline of *O. ammon* is continuing in the Altai region west of Lake Baikal. The population there was considered common in the 19th century, but now there are only a few scattered populations that together total about 600 animals. The argali also occurs in adjacent parts of Mongolia (see Schaller's comments below) and possibly China. To the southwest, the population of the Tian Shan region and eastern Kazakhstan has undergone a disastrous decline since the later 19th and early 20th centuries. In many places where it was numerous even in the 1940s the argali is now gone or rare, and remnant groups are fragmented. As many as 13,000 are individuals scattered over a vast part of the Tian Shan, but the largest and densest population, about 2,000 animals, is found in the cold deserts of the northern part of the Kokshaaltau Mountain ridge where there is no pasture for domestic sheep. The most seriously jeopardized population in the Soviet Union is restricted to a small, isolated section of the Kara Tau Mountains in southern Kazakhstan. Although its numbers were high as late as the 1950s, there now are no more than 250 animals. The most numerous population in the Soviet

Union is found on the Pamir Plateau, but even it has declined. Numbers were estimated at 33,000 in the 1960s and 20,000 in the 1970s.

The argali also occurs in Xinjiang, but information on its status there is limited. Based on historical accounts and recent surveys, Schaller *et al.* (1988) concluded that the argali once was abundant in Xinjiang, but now has declined and had vanished from vast tracts. In his response to the Service review, Schaller added: "Argali in the Tian Shan of China have seen a drastic decline in recent decades. The animals are either absent from or rare in most areas. Viable populations can be found in only a few spots."

The southwestern range of the argali extends from the Pamirs of Russia into nearby parts of Xinjiang, Afghanistan, and Pakistan. Schaller *et al.* (1987) recently found that it had disappeared from most of the Chinese portions of its range and that the last viable population there, consisting of fewer than 150 animals, was confined to the western part of the Chalachigu Valley, a finger of land extending between Afghanistan on the north and Pakistan to the south. In adjacent northern Afghanistan there were estimated to be at least 2,500 in 1973. Habibi (1985) indicated that up until 1979 the argali and its habitat were well protected in Afghanistan. However, that was before the recent political upheavals and civil war, and current status of the sheep is unknown. A small population is present in extreme northern Pakistan, but it moves seasonally across the border into China. Recent construction of a highway there has disrupted its habitat and made it accessible to hunters (Geist 1989; Schaller 1977; Schaller *et al.* 1987). In its response to the Service review, the government of Pakistan indicated that this population had fallen from 300 individuals in the 1970s to a few dozen today.

The argali also appears to have declined farther to the southeast along the Himalayas. The range begins in the Indian state of Jammu and Kashmir and extends into Himachal Pradesh and Sikkim. In a response to the Service review, S.K. Mukherjee, Professor and Additional Director of the Wildlife Institute of India, stated that the species is distributed in very small, patchy units. The largest population, fewer than 500 animals, is found in the Ladakh region of Jammu and Kashmir. In a separate response, M.K. Ranjitsinh, Additional Secretary of the Ministry of Environment and Forests, stated that the argali has decreased in numbers throughout its range, both in India and

Tibet, and that populations are becoming isolated. However, in his comment, Richard M. Mitchell wrote that he had received a report from an official of the state government of Jammu and Kashmir, indicating a significant recovery of the argali and a current population of 5,000–8,000 individuals. Wilson (1985) noted that the argali once had been fairly common in Nepal, but had declined drastically, with no confirmed sightings since 1965.

The above account generally suggests a serious curtailment of the argali's habitat and range in a great arc from northeastern China, through southern Siberia and Soviet Central Asia, to Xinjiang and the Himalayas. However, there long was a prevalent view that the species still occurred in great numbers throughout the vast heartland in the remote Gobi Desert, Tibetan Plateau, and adjacent parts of Mongolia and China. Now, however, there are growing doubts about whether and how long substantial argali populations will persist in any region. The situation in Mongolia actually has fluctuated. Harper (1945) reported that the numbers in the Gobi "appear to be rather limited." Mallon (1985) stated that there had been a marked decline in Mongolia from 1940 to 1950, but that there was a recovery after protection was established in 1953. Both he and des Ciers (1985) indicated that, while competition for habitat with domestic livestock and human disturbance were problems for the argali, the latter was relatively high in numbers and well managed.

In contrast, Schaller, responding to the Service review, wrote: "I assumed that argali in Mongolia were abundant and well-protected. That may have been true a decade ago but not now. I just spent 3 months in Mongolia, in the Gobi and Altai, to check on the status of wildlife, including argali. As in China, animals are rare or absent in most areas of suitable habitat. Both sheep can still be found in moderate numbers in remote or uninhabited areas, places perhaps suboptimal because livestock can only subsist there seasonally or not at all. Illegal hunting is a serious problem. Mongolia has had to close a number of hunting camps for foreigners recently because of lack of sheep. Unfortunately, no detailed status survey has been made. However, everyone with whom I talked commented on the general decline of the argali, especially in the Gobi where a drought during the 1980s has eliminated many critical water sources."

As with Mongolia, there is considerable disagreement regarding the

status of the argali on the Tibetan Plateau and adjacent north-central China—the provinces of Xizang (Tibet), Qinghai, and Gansu, and parts of Xinjiang, and Sichuan. In his response to the Service review, Mitchell reported that based on his work in the region the argali still is widespread, numerous, and secure. The remoteness of the habitat, the extremely rugged terrain, and the relatively low number of people are conditions that help to ensure the safety of the argali populations. Moreover, the people generally lack suitable hunting weapons and the animals are difficult to approach. Competition with domestic stock is a major threat, but is limited to accessible areas along roads and near communes. Over 350 argali were seen during a 7-day hunt in April 1988 in Gansu. Mitchell stated that he had seen a total of over 500 argali in the wild and that based on the density of these sightings, he would conservatively estimate the number of argali in China as being well over 100,000. In another response to the review, Bart O'Gara (University of Montana) wrote that his experience in Qinghai Province indicates that argali there are "as plentiful as bighorns (*Ovis canadensis*) in Montana," but this assessment was based on observations at only a couple of locations. According to Thorne, Hickey, and Stewart (1985), Montana, which is about half the size of Qinghai, has approximately 4,600 bighorn sheep.

The view that the argali has declined drastically on the Tibetan Plateau is based on observations by several authorities and on socioeconomic developments in the region. Galen Rowell (1990) in a recent article and in his response to the Service review explained that since the Chinese occupation of Tibet in the 1950s, there have been major increases in human population, military and industrial activity, and environmental disturbance. The replacement of a nomadic subsistence economy by communes geared toward agricultural exportation has led to a tenfold rise in the amount of domestic livestock and to massive destruction of the fragile habitat through overgrazing. The loss of forage, together with uncontrolled hunting by military forces, has resulted in the disappearance of the former large herds of argali, wild yak, gazelle, and antelope. Rowell and others that he cited found that they could walk, ride, or drive for weeks, through regions that historically supported vast numbers of wildlife, without seeing a single large wild animal. In his comment, Schaller wrote with respect to argali in Tibet: "They are rare, most populations small,

localized, and isolated; they are now gone from vast tracts. He added that the decline of wildlife has been general, not just in the most accessible areas, and that the herds remain moderately abundant only in northwestern Tibet, where there has not yet been extensive hunting. The argali has been the species hardest hit by recent developments and now is the rarest ungulate in the involved region.

B. Overutilization for commercial, recreational, scientific, or educational purposes. Writing of the general decline of wild sheep and goats in the Himalayas, Schaller (1977) was critical of unscrupulous sportsmen, but noted: "Far more detrimental to wildlife than trophy hunting has been meat-hunting by local people . . . hunting has reduced most populations to a point where it is difficult to find localities with animals still living at natural densities and pursuing their existence in a normal social milieu."

Excessive hunting was a major factor in the historical disappearance of the argali from Siberia and northeastern China, and in its decline in other regions (Harper 1945). It also caused at least a temporary depression of the populations in Mongolia during the 1940s (Mallon 1985), and, according to Schaller in his comments, is a serious problem there today (see above discussion of factor "A"). In Soviet Central Asia, poorly controlled hunting has been blamed in part for declining numbers of argali, both directly and through adverse alteration of the sex ratio and age composition of the herds, thereby reducing productivity (Fedosenko 1985). Intensive hunting, facilitated by construction of a highway, has led to the near extermination of the argali population that migrates between Pakistan and China (Schaller *et al.* 1987). Commercial hunting in Xinjiang during the 1970s resulted in trainloads of argali and other ungulate meat being shipped eastward from the Tian Shan Mountains and contributed to the large-scale eradication of the species from that region (Schaller *et al.* 1988).

Again, there is disagreement regarding the effects of hunting on the Tibetan Plateau. In his comments, Mitchell argued that there has been no sport hunting in the region, and that the local people lack adequate firearms, ammunition, and transportation. Of over 100 argali skulls that he found in the field, all but one came from animals that had died naturally. In contrast, Rowell indicated that indiscriminate hunting by Chinese soldiers and armed civilians has contributed to the decline of the argali and other formerly abundant

species of wildlife in Tibet. In his 1990 article, he stated that military forces have hunted for sport and, using machine guns, have made organized hunts for commercial purposes. Schaller (1986) wrote that on the Tibetan Plateau "there once lived great wild herds that rivaled those on the plains of North America. . . . Such herds are now almost gone. In recent decades, roads, mining camps, and herdsmen with livestock have penetrated even remote parts of the vast plateau. . . . Hunters have eliminated or reduced the numbers of wild animals over huge tracts."

In his comments, O'Gara expressed concern that argali meat might be exported from China as is that of blue sheep (*Pseudois nayaur*) at present. He indicated, however, that such could be avoided by encouraging a properly managed sport hunting program that would provide an economic incentive to preserve argali populations. Warren Parker, President-elect of Safari Club International, wrote in his response to the Service review: "We believe that in many cases, controlled sport hunting is the only feasible way to give these animals sufficient value to serve as an incentive for their conservation. Without such an incentive, the growing human populations, even in these remote areas, will inevitably lead to the decline of many of these species."

C. Disease or predation. Various diseases and predation by wolves have been considered problems for some argali populations (Fedosenko 1985; Harper 1945). However, these and other natural difficulties are to be expected and usually only become of serious conservation concern when populations already have been severely reduced or fragmented through human disturbance.

D. The inadequacy of existing regulatory mechanisms. The subspecies *O. ammon hodgsoni* is on appendix I of CITES and all other subspecies are on appendix II. While such designations may assist in controlling international movement of parts and products, they have a negligible effect on the habitat disturbances and local hunting which are the main problems confronting the argali. Although the species is legally protected in the countries it occupies, a general view expressed in the sources cited in the above discussion is that enforcement is very difficult in the remote areas involved.

E. Other natural or manmade factors affecting its continued existence. Severe winter weather has been blamed for the loss or decline of some argali populations (Fedosenko 1985; Mallon 1985). In 1985, the most severe blizzard in 30 years struck the Tibetan Plateau,

making it difficult for herbivorous animals to find food and resulting in the death of thousands (Schaller 1986). Such problems always are of great concern if populations already have been reduced by human activity.

The decision to propose threatened status for the argali was based on an assessment of the best available scientific information, and of past, present, and probable futures threat to the entire species. There is no question that many populations have disappeared or declined seriously through human activity and that at least some of the current populations are highly vulnerable to habitat destruction and excessive hunting. The species still has a vast range, however, and it is possible that large numbers still are present in some remote regions. Therefore, a classification of endangered might not be appropriate when considering the status of the species as a whole. Many questions remain and the Service will endeavor to obtain and evaluate all available information during the comment period. Such a review may lead to a final rule that differs substantially from this proposal, particularly to the classification of the entire species, or any subspecies or population thereof, as endangered, or to the exclusion of certain populations from any classification. Critical habitat is not being proposed, as its designation is not applicable outside of the United States.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals.

Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its proposed or designated critical habitat (if any). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the

responsible Federal agency must enter into formal consultation with the Service. No such actions are currently known with respect to the species covered by this proposal.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any threatened wildlife. It also is illegal to possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with otherwise lawful activities. The importation of a personal trophy, taken through a carefully managed sport hunting program that provides an economic incentive for the general conservation of the involved species, may in some case be considered to enhance the survival of that species. For threatened species, there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, comments and suggestions concerning any aspect of this proposed rule are hereby solicited from the public, concerned governmental agencies, the

scientific community, industry, private interests, and other parties. Comments particularly are sought concerning the following:

- (1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to the subject species;
- (2) The location of any additional populations of the subject species;
- (3) Additional information concerning the distribution and taxonomy of this species;
- (4) Current or planned activities in the involved areas, and their possible effect on the subject species; and
- (5) Details on the laws, regulations, and management programs covering each population of this species, particularly with regard to their adequacy in providing for sport-hunting that enhances the survival of the involved population.

Final promulgation of the regulation on the subject species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of final regulations that differ substantially from this proposal. The Service again emphasizes that it will be actively seeking and evaluating information on the argali during the comment period, and that this review may result in classification of the entire species *Ovis ammon*, or any subspecies or population thereof, as endangered, rather as threatened as here proposed. On the other hand, the final rule may exclude certain subspecies or populations from any classification. Interested parties are urged to consider such alternatives when examining the proposal and preparing their comments.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal, should be in writing, and should be directed to the party named in the above "ADDRESSES" section.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* of October 25, 1983 (48 FR 49244).

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Wildlife Service, Washington, DC 20204 (703-358-1708 of FTS 921-1708).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation, and Wildlife.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.11(h) by revising the entry under MAMMALS for the "Argali *Ovis ammon hodgsoni*" to read as follows:

§ 17.11 Endangered and threatened wildlife.

• • • • •
(h) • • •

Author

The primary author of this proposed rule is Ronald M. Nowak, Office of Scientific Authority, U.S. Fish and

| Species | | Historic range | Vertebrate population where endangered or threatened | Status | When listed | Critical habitat | Special rules |
|-------------|-------------------------|--|--|--------|-------------|------------------|---------------|
| Common name | Scientific name | | | | | | |
| MAMMALS | | | | | | | |
| Argali..... | <i>Ovis ammon</i> | Afghanistan, China, India, Mongolia, Nepal, Pakistan, U.S.S.R. | Entire..... | T | 15, — | NA | NA |

Dated: September 17, 1990.

Richard N. Smith,
Acting Director, Fish and Wildlife Service.
[FR Doc. 90-23637 Filed 10-4-90; 8:45 am]
BILLING CODE 4310-55-M