

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule to List 10 Foreign Mammals as Endangered Species, and Withdrawal of 1 Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby lists 10 species of foreign mammals as endangered pursuant to the Endangered Species Act of 1973, as amended. These species are the Singapore roundleaf horseshoe bat (*Hipposideros ridleyi*), Rodrigues Island flying fox fruit bat (*Pteropus rodricensis*), Bulmer's flying fox fruit bat (*Aproteles bulmeri*), bumblebee bat (*Craseonycteris thonglongyai*), buff-headed marmoset (*Callithrix flaviceps*), Preuss's red colobus monkey (*Colobus badius preusii*), Vancouver Island marmot (*Marmota vancouverensis*), African wild dog (*Lycan pictus*), Pakistan sand cat (*Felis margarita scheffeli*), and giant panda (*Ailuropoda melanoleuca*). Two other species, the ghost bat and the Indus River dolphin, which were originally proposed for listing along with these, are not being listed at this time; the ghost bat is being withdrawn from further listing considerations, and the Indus River dolphin is being referred to the National Marine Fisheries Service the agency having proper jurisdiction over cetaceans. The 10 species classified as endangered are entirely foreign in distribution. Because they do not occur in the United States or in territories or areas administered by the U.S., no critical habitat has been determined for

any of them. Threats that are believed causing their declines include habitat destruction, exploitation as a source of human food (mainly by local people), and restricted distributions and/or very specialized habitats. This rule will provide certain benefits to these species that might assist in assuring their survival; these benefits are discussed in the main body of the rule.

DATES: The effective date of this rule is February 22, 1984.

ADDRESSES: The complete file for this rule is available for inspection during normal business hours by appointment at the Washington Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

SUPPLEMENTARY INFORMATION:

Background

On March 1, 1983, the Service published a proposed rule in the Federal Register (48 FR 8514) to list 12 foreign mammals as endangered species pursuant to the Endangered Species Act of 1973. The present rule classifies the following 10 of these foreign mammals as endangered.

Common name	Scientific name
Rodrigues flying fox fruit bat.....	<i>Phloropus rodricensis</i> (Dobson, 1878).
Bulmer's flying fox fruit bat.....	<i>Aproteles bulmerae</i> Menzies, 1977.
Singapore roundleaf horseshoe bat.....	<i>Hipposideros ridleyi</i> (Robinson and Kloss, 1911).
Bumblebee bat.....	<i>Craseonycteris thonglongyai</i> (Hill, 1974).
Buff-headed marmoset.....	<i>Callithrix flaviceps</i> (Thomas, 1903).
Preuss's red colobus monkey.....	<i>Colobus badius preusii</i> (Matschie, 1900).
Vancouver Island marmot.....	<i>Marmota vancouverensis</i> Swarth, 1911.
African wild dog.....	<i>Lycan pictus</i> (Temminck, 1820).
Pakistan sand cat.....	<i>Felis margarita scheffeli</i> (Hammer, 1974).
Giant panda.....	<i>Ailuropoda melanoleuca</i> (David, 1869).

Twelve foreign species (including the 10 listed herein) were proposed for listing as endangered in the Federal Register of March 1, 1983 (48 FR 8514), at which time all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. The countries in which each of these mammals are resident, and all known experts on individual species, were also contacted and invited to comment.

Summary of Comments and Recommendations

Comments received as a result of the proposal may be summarized as follows:

The Smithsonian Institution, in a letter from Secretary S. Dillon Ripley dated June 10, 1983, supported the listing of the giant panda as endangered, but expressed fears that the listing might hamper scientific research on the animals. It gave as examples the Smithsonian's recent work on artificial insemination which required the importation of giant panda semen from the London Zoo on only a few days notice; export of urine for hormonal assay in England takes place frequently and routinely. The Service will work with the Smithsonian, and with other scientific organizations, regarding the issuance of open-ended permits for this species which would allow for such imports and exports routinely and without delay so that legitimate scientific research is not curtailed or handicapped in any way.

The Director, Animal Research and Conservation Center, Bronx Zoo, Bronx, New York, supported the proposal for the giant panda, and said that it was long overdue. He also supplied some valuable biological data that have been incorporated into the giant panda section of this rule.

Two representatives of the American Society of Mammalogists, in a letter dated June 29, 1983, expressed a general concern that species are being added to the endangered species list without sufficient information available to warrant their listing. They presented no objection, however, to the specific listing of any of the 12 species proposed. In addition, they applauded the efforts of the Service in its work to preserve the flora and fauna of the world, and offered the services of the Mammal Society's Committees, and other mammalogists in the Society, in helping to formulate guidelines to aid in the listing process. The Service appreciates the offer, and welcomes the opportunity to work closely with this organization in the future.

Two commenters in a letter of May 17, 1982, and another in a letter dated June 10, 1983, offered their full support for the proposal.

Nine countries responded to the Service's request for comments and data on their resident species. These responses were as follows:

Burundi—This country reported that of the 12 proposed species, only the African wild dog is present. It stated that only small numbers of this dog are left in the country, located primarily in the north. Burundi law prohibits hunting

of these animals, but they are occasionally killed when they present a threat to livestock. The Burundi Government expressed no objections to the proposed listing.

Togo—In this country also, the wild dog is the only one of the 12 proposed species that is resident. Togo reported that this animal is known to exist in the northern part of the country, but that there are no firm statistics on the numbers. Since 1968, Togo has partially protected the wild dog by requiring a special license to hunt it.

Mozambique—No data are available on status, numbers, distribution, or population trends of the wild dog, but the country prohibits hunting of the species "presumably because it is considered an endangered species."

Cameroon—This Government reported that Preuss's red colobus monkey and the African wild dog are resident. With regard to the monkey, Cameroon informed the Service that it is found in the Southwest Province, especially in the Korup Reserve, where it benefits from complete protection. Elsewhere, it is given classification "B" and may be hunted by holders of licenses. Cameroon claims that the wild dog "exists in great numbers in the North Province," where it does not benefit from any protection outside the boundaries of parks and reserves. Cameroon felt that neither species appeared to be threatened with extinction in that country, but provided no data to support its contention.

Congo—Congo informed the Service that "the African wild dog (*Lycaon pictus*) is habitually destroyed by Congolese villagers. Therefore, few, if any remain, and most of these would live in the dense forests of the northern Congo."

Uganda—Uganda reported that " * * * for a long time (we) have been very much concerned about the imminent disappearance of the African wild dog (*Lycaon pictus*). We are also extremely worried as to whether the Preuss's red colobus (*Colobus badius preussi*) still exists * * * (we) therefore convey our complete support for the action taken by the (U.S. Government)."

Thailand—This country reported that since 1981, the bumblebee bat (*Craseonycteris thonglongyai*) has been protected from hunting and trade. This country provided valuable status data on the species that are included in the appropriate section of this rule. Thailand felt that protection of this species is of the utmost importance.

Australia—The only proposed species that occurs in Australia is the ghost bat (*Macroderma gigas*). The Australian Government reported that the ghost bat

cannot be considered in danger of extinction and felt that the proposal to list it was not warranted. It provided the following information to support this position.

"Four colonies of *Macroderma gigas* are known to occur in Queensland and (only) one has part of its habitat affected by limestone mining. The species is not considered endangered in Western Australia. Secure populations exist in remote, inaccessible sandstone country in the north west Kimberley; in the ranges of east Kimberley; in the limestone ranges of south west Kimberley, and in natural caves and abandoned mine shafts in the Pilbara Region. The species is cryptic; even so, it is regularly recorded in all these areas and populations are known from nature reserves and national parks in these regions." *

"In the Northern Territory, colonies of *M. gigas* occur in Cutta Cutta Reserve, Katherine Gorge National Park and Kokadu National Park. The species is considered quite common throughout tropical Australia and many sites are known where the species is present in colonies of up to 450 individuals."

Because of the new data provided by the Australian Government, the Service does not now regard the ghost bat as either endangered or threatened, and therefore withdraws it from further listing consideration.

In its proposed rule of March 1, 1983, the Service also proposed listing the Indus River dolphin (*Piitanista indi*) as endangered. This species, however, is a cetacean and therefore legally comes under the jurisdiction of the National Marine Fisheries Service. The Fish and Wildlife Service regrets this error in proposing the dolphin and has turned over all data pertaining to this species to the National Marine Fisheries Service. That agency will determine what administrative action, if any, is warranted for the dolphin.

Descriptions of the Species

A brief description of each of the species involved in this final rule, their distribution and problems, are as follows:

Rodrigues flying fox fruit bat—This bat occurs only on Rodrigues Island in the Indian Ocean, where less than 2 percent of its original habitat remains. A large area of mixed natural vegetation is essential for these bats so that fruits ripening at all times are available for food; such mixed vegetation has largely been destroyed. In addition, cyclones periodically kill many of the animals, and the human population hunts them for food. In 1955, the bats were thought

to exceed 1,000 but by 1965 less than half this number remained. In 1975, it was thought that no more than 80 survived and possibly only 60, but in May 1976, there were estimated to be 120-125 by direct count. The population is continuing to decline and the species may now be close to the lowest possible viable population size (I.U.C.N. Red Data Book, 1976).

Bulmer's flying fox fruit bat—This bat was first discovered among fossil remains dating back 9,000 to 12,000 years in central Papua New Guinea (Menzies, 1977). Shortly thereafter, one living specimen was taken in 1975 in the Hindenberg Ranges of far western Papua New Guinea. It had been killed by a native hunter in a large cave at an altitude of 2,300 meters. In November 1977, an intensive effort was made to locate this species, but a local hunter had already killed or driven away nearly the entire colony from the cave in which it was originally found (Hyndman and Menzies, 1980).

Bumblebee bat—This bat has been found only at Sai Yoke, Kanchanaburi Province, Western Thailand. Roosting habitat consists of the hot upper chambers of caves in limestone hills. Foraging habitat is teak-bamboo forest where the bats feed around the tops of the dominant plants. This teak-bamboo forest has been highly affected by deforestation and teak logging above the sustainable rate. Vast areas of potential habitat have been lost, and loss of this habitat is probably a significant threat (Bain and Humphrey, 1980). The Royal Forest Department of the Thailand Government (pers. comm., June 2, 1983) reports that during extensive surveys in 1982, these bats were found in only 3 caves, which contained 160 bats.

Singapore roundleaf horseshoe bat—This Malayan species has only been taken twice, once in Singapore in 1910, and the second time near Kuala Lumpur. It inhabits lowland peat forest which occurs in Malaya only in small, isolated patches. In recent years, this habitat has been heavily logged and has thus reduced the already limited range of the bat considerably. The Kuala Lumpur specimen was taken as recently as 1975; the total population was estimated to be less than 50 animals (I.U.C.N. Red Data Book, 1978; Medway, 1969; Gould, in press).

Buff-headed marmoset—The species currently survives in reduced and fragmented populations in the Espiritu-Santo Range and possibly in northern Rio de Janeiro and Minas Gerais, Brazil; it was formerly much more widely distributed in the mountainous regions of southeastern Brazil. It is threatened by widespread habitat disruption and

destruction, and has already disappeared from much of its former range. "Any commercial exploitation would be disastrous." Numbers of animals are unknown, but the distribution is "very small" (I.U.C.N. Red Data Book, 1978, 1982).

Preuss's red colobus—The species occurs only in the lowland evergreen forest of Cameroon. Its habitat of mature forest with emergent trees renders it particularly susceptible to logging activities. This species is still hunted for food. The range is very restricted and the animal only survives in the Korup Reserve and perhaps in the Ejhagam Reserve. In this area, it is confined to a strip of forest approximately 60 km wide and 120 km long, along the Cameroon side of the Cameroon-Nigerian border. In historical times, it probably ranged from the Cross to the Sanaga Rivers in Cameroon and southeast Nigeria, but it is now extinct in Nigeria and its range greatly reduced in Cameroon. It is estimated that fewer than 8,000 animals survive. The greatest threat is logging activity which results in fragmentation of the forest canopy. It also falls an easy prey to the hunter and is commonly taken for food (I.U.C.N. Red Data Book, 1978; Wolfheim, 1974; Struhsaker, 1975).

Vancouver Island marmot—This marmot occurs only on Vancouver Island, British Columbia, where active colonies are known from only four general locations. The total population is between 100 and 150 animals, an obvious decline in numbers from past populations. This species lives in alpine and subalpine areas characterized by steep slopes, talus debris and open meadow. Steep slopes are preferred because avalanches clear them of snow in the spring which provides early foraging. Avalanches also inhibit tree growth, and thus allow for preferred plants to grow. Ski developments have eliminated some suitable areas, and proposed developments will remove more. Logging may also have an adverse effect on habitat. Because of the restricted habitat for this species, any further reduction must be viewed with alarm (Dearden and Hall, 1983; Munro, 1979).

African wild dog—This species has been, and continues to be, widely persecuted as a hated predator. It formerly occurred in most of Africa south of the Sahara, but has been wiped out in South Africa (except in the vicinity of Kruger National Park), and has declined greatly in most other areas. Malcolm (1969) estimates that fewer than 7,000 individuals still survive in all of Africa.

Pakistan sand cat—This cat is

confined to the Changai area of northern Pakistani Baluchistan. It apparently has always been rare, but declined drastically between 1968 and 1972 when it was relentlessly exploited for the live animal trade and for its pelt. Since that time, it has been extremely difficult to find in the wild. Although it is now protected from export in Pakistan, and is on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, any sort of trade in the species could prove fatal. Even given strict trade control, the small range of the animal and its rarity within that range make it highly vulnerable, particularly since there are no reserves or known breeding groups in captivity (I.U.C.N. Red Data Book, 1978).

Giant panda—The giant panda now occurs in only 6 small mountain ranges totaling 29,500 km² (Schaller, pers. comm., July 22, 1983). Within this range it is limited to narrow bamboo belts and fragmented into small isolated populations. Formerly it was widely distributed over southern and eastern China, but massive habitat disruption eliminated the species from all but the most remote areas at a very early date in Chinese history. According to the New China News Agency (1980), recent threats to the continued survival of the species include the sudden dying out of arrow bamboo (the panda's main food) in recent years, and vulnerability of the pandas to earthquakes (158 died in earthquakes in 1975 and 1976). Arrow bamboo flowers but once in every 60 to 100 years after which it dies. Some years are required after the die-off for the seeds to take root and to produce plants which are sufficient to support the panda populations. Records indicate that a similar dying of the arrow bamboo occurred in the 1870's and 1880's but that pandas then could range more widely to find food than they can today, and hence were able to survive. The current concern is that the populations of pandas may have fallen to such a low numerical level, and be so fragmented in distribution, that the natural die-off of the bamboo may prove fatal to the survival of the panda. It is estimated today that, in all of China, about 1,000 pandas survive. There are 12 reserves containing pandas. About 600 of the 1,000 or so pandas are on reserves. Since pandas reproduce slowly and their habitat continues to shrink, there is little chance that their populations will increase in the near future (Schaller, pers. comm., July 22, 1983).

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the above 10 foreign mammals should be classified as endangered species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate the 1982 amendments) were followed. A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in Section 4(a)(1). These factors are as follows:

- (a) the present or threatened destruction, modification, or curtailment of its habitat or range;
- (b) overutilization for commercial, recreational, scientific, or educational purposes;
- (c) disease or predation;
- (d) the inadequacy of existing regulatory mechanisms; or
- (e) other natural or manmade factors affecting its continued existence.

The relationship of the 10 species herein classified as endangered to the specific factors above are as follows:

Rodrigues flying fox fruit bat—(A) The habitat is restricted to the tiny island of Rodrigues in the Indian Ocean, and less than 2 percent of the original habitat of the bat remains on this island; (B), (C) not applicable; (D) there are no regulatory mechanisms known to the Service which operate to the benefit of this species; (E) the bat is widely hunted by the native islanders for food purposes; only 400 animals are known to survive.

Bulmer's flying fox fruit bat—(A), (B), (C), (D) not applicable; (E) fruit bats are esteemed as food in the area of Papua New Guinea where this bat occurs, and it is probable that hunting it for food has wiped out this species except in the remotest and most sparsely inhabited areas in the western part of the island.

Bumblebee bat—(A) The teak-bamboo forests inhabited by this bat have been heavily logged, and vast areas of potential habitat have been destroyed; less than 160 bats are known to survive; (B), (C), (D), (E) not applicable.

Singapore roundleaf horseshoe bat—(A) The very limited, patchy habitat has been heavily timbered in recent years to the extreme detriment of the bat; (B), (C), (D), (E) not applicable.

Buff-headed marmoset—(A) Habitat destruction has been very widespread over the restricted range of this animal; (B), (C) not applicable; (D) before the

enactment of protective laws, this marmoset, along with numerous other primate species, was exploited for the bio-medical and pet trade which resulted in reduced biological potential for the species' survival; (E) not applicable.

Preuss's red colobus—(A) Logging activities within its very restricted range have reduced available habitat drastically; (B), (C), (D) not applicable; (E) the species is widely hunted for food by native peoples.

Vancouver island marmot—(A) Ski and other recreational developments have destroyed, and will continue to destroy, essential habitat; logging is also destroying habitat; (B), (C), (D) and (E) not applicable.

African wild dog—(A), (B), (C) not applicable; (D) there are no existing regulatory mechanisms to protect it, except in the wildlife parks and reserves; (E) this species is widely regarded as an unwanted predator and is trapped, poisoned, or otherwise killed throughout its range.

Pakistan sand cat—(A) not applicable; (B) this cat was heavily exploited by commercial animal dealers from 1967 to 1972 for the pet trade (although this trade has now been controlled, the cat has apparently not been able to recover from the overexploitation); (C), (D), (E) not applicable.

Giant panda—(A) Habitat disruption over the centuries has reduced this species' range to only 29,500 -- 40,000 km² in 6 small mountain ranges; (B), (C), (D) not applicable; (E) the species is, because of its now restricted range, highly vulnerable to such natural calamities as die-off of its preferred food (arrow bamboo), and earthquakes.

Critical Habitat

The Endangered Species Act, as amended, requires that to the maximum extent prudent and determinable the Secretary should designate critical habitat at the time a species is determined to be endangered or threatened. This requirement of the Act is not applicable to foreign species, however, and no critical habitat is being determined for the 10 mammals under consideration.

Available Conservation Measures

Conservation measures available to foreign species listed as endangered or threatened include the following:

(1) worldwide attention is called to their problems which may result in international efforts to prevent their further decline.

(2) U.S. expertise could be made available (if requested by resident

country) to assist in development of management or conservation programs.

(3) limited U.S. funds could be made available (if requested by resident country) for development of management or conservation programs.

(4) the U.S. would strictly regulate import and export, and commercial U.S. trade in these species, thus assuring that any of these activities by persons subject to the jurisdiction of the U.S. do not jeopardize these mammals.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general trade prohibitions and exceptions which apply to all endangered wildlife. With respect to the mammal species listed herein, all trade prohibitions of Section 9(a)(2) of the Act would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce. It would also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken. Certain exceptions can apply to agents of the Service.

The Act and 50 CFR Parts 17.22 and 17.23 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. Some of the species herein listed as endangered, such as the giant panda, are being intensively investigated by the scientific community for conservation purposes. The Service does not anticipate that this final rule will hinder or interfere with such legitimate conservation activities.

The buff-headed marmoset is on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Species listed on Appendix I require an export permit from the country of origin as well as an import permit from the Management Authority of CITES in the United States. Preuss's red colobus and the Pakistan sand cat are on Appendix II of CITES, which requires a permit from the country of origin for export. With the possible exception of the giant panda, international trade in any of these 10 mammals, or their parts and products, is expected to be minimal. The Service will review these species to determine whether any of them should be placed on the Annex of the Convention on Nature Protection and Wildlife

Preservation in the Western Hemisphere, which is implemented through Section 8(A)(e) of the Act, and whether they should be considered as candidates for other appropriate agreements.

Requests for copies of the regulations on wildlife, and inquiries regarding them, may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments, as defined by 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 of 1973, as amended. The reasons for this determination were published in a Federal Register notice (48 FR 49244) of October 25, 1983.

References

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Author

The primary author of this final rule is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture)

Regulations promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of

Chapter I, Title 50 of the U.S. Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

§ 17.11 [Amended]

2. Amend 17.11(h) by adding the following in alphabetical order to the List of Endangered and Threatened Wildlife, under mammals:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals							
Bat, Bulmer's flying fox fruit	<i>Aproteles bulmerae</i>	Papua New Guinea	Entire	E		NA	NA
Bat, bumblebee	<i>Crasoonycteris thonglongyai</i>	Thailand	do	E		NA	NA
Bat, Rodrigues flying fox fruit	<i>Pteropus rodriguesis</i>	Rodrigues Island, Indian Ocean	do	E		NA	NA
Bat, Singapore roundleaf horseshoe	<i>Hipposideros ridleyi</i>	Malaysia	do	E		NA	NA
Cat, Pakistan sand	<i>Felis margarita schaffeli</i>	Pakistan	do	E		NA	NA
Colobus, Preuss's red	<i>Colobus badius preussi</i>	Cameroon	do	E		NA	NA
Dog, African wild	<i>Lycaon pictus</i>	Sub-Saharan Africa	do	E		NA	NA
Marmoset, buff-headed	<i>Callithrix flaviceps</i>	Brazil	do	E		NA	NA
Marmot, Vancouver Island	<i>Marmota vancouverensis</i>	Canada (Vancouver Island)	do	E		NA	NA
Panda, giant	<i>Ailuropoda melanoleuca</i>	People's Republic of China	do	E		NA	NA

Dated: January 15, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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