

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

## Endangered and Threatened Wildlife and Plants; Listing of Grevy's Zebra and Hartmann's Mountain Zebra as Threatened Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Endangered Species Act of 1973, as amended, the Service determines that Grevy's zebra (*Equus grevyi*) and Hartmann's mountain zebra (*Equus zebra hartmannae*) are Threatened species. Both of these species were originally proposed for listing as Endangered, but data received during the comment period of the proposal indicate that a Threatened listing is more appropriate. This rule will provide needed protection for both Grevy's zebra and Hartmann's mountain zebra and will contribute to their continued survival and recovery in the wild.

**DATES:** This rule will become effective on September 20, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold J. O'Connor, Acting Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202/343-4646.

**SUPPLEMENTARY INFORMATION:****Background**

Grevy's zebra is distributed in northern Kenya; it formerly occurred in southern Ethiopia and Somalia, but is probably extirpated there at the present time. It is the largest of the zebras and because of some structural and behavioral differences from other zebras, it is placed in a separate subgenus (*Dolichohippus*).

The Cape Mountain zebra (*Equus zebra zebra*) is already on the Endangered list. The present rulemaking therefore deals only with the other subspecies of this species, Hartmann's mountain zebra (*E. z. hartmannae*). Hartmann's mountain zebra lives in the mountainous escarpment zone which forms the eastern boundary of the Namib Desert. Its range formerly extended north into Angola and south to Namaqualand, Cape Province, South Africa.

On December 23, 1977, the Service published a proposed rulemaking in the Federal Register (42 FR 64382) to list

Grevy's zebra and Hartmann's mountain zebra as Endangered species under the Endangered Species Act of 1973. Since that proposal, the Endangered Species Act Amendments of 1978 have been enacted. The amendments did not effect the status of the proposal and the Service is now proceeding with a final rulemaking relative to these two species. This final rulemaking determines Hartmann's mountain zebra and Grevy's zebra to be Threatened rather than Endangered. The reason for this change is that new data, obtained during the comment period of the proposal, have shown that neither species is in danger of extinction throughout all or a significant portion of its range as was believed at the time of the proposal. The decrease in the known magnitude of the threat to these species is discussed in detail later in this rulemaking in the section titled "Summary of Factors Affecting the Species". The Service is permitting importation and other activities involving Grevy's zebra (parts, products or live animals) only under the provisions of 50 CFR 17.32, i.e., under a permit for scientific purposes, or the enhancement or propagation or survival, economic hardship, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. It should be noted that since Grevy's zebra is listed in Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora there can be no importation of sport-hunting trophies.

With the Hartmann's mountain zebra, the Service is likewise requiring permits under 50 CFR 17.32. However, because the Hartmann's zebra is listed in Appendix II to the Convention, legally-taken, sport hunting trophies of this species may be imported. Importation of trophies must be consistent with the Act, including the provisions of Section 9(c)(2) and the definition of conservation, 16 U.S.C. 1532(3), 1538(c)(2). The Service is willing to allow the importation of legally taken sport hunting trophies because it is convinced that to do otherwise would be detrimental to the survival of the species. Hartmann's mountain zebra occurs over vast areas of privately owned ranches. On these private ranches, the zebras compete directly with the rancher's cattle and sheep. Comments received from knowledgeable individuals emphasize that almost without exception these ranchers would not permit the zebras to exist on their property if they could not derive a profit from their presence by permitting sportsmen to hunt them. These ranchers

have allowed the zebras to survive and breed on their property in order to provide a trophy for visiting sport hunters. One correspondent relates that the sportman boards with the rancher, is usually guided by the rancher, pays the rancher a daily fee, and also pays the rancher a substantial fee for each animal taken. This revenue makes up an important part of the rancher's income, and the survival of the zebra in South West Africa/Namibia may very well depend upon the ranchers maintaining this income. It should be emphasized that the South West African/Namibian government strictly controls the hunts on the private ranches and will issue permits for a hunt only if a rancher demonstrates excessive populations that are damaging his property.

**Summary of Comments**

A total of 21 letters and telegrams was received in response to the December 23, 1977, Proposed Rulemaking. Of these responses, 10 supported a listing as proposed, and the remainder recommended modifications to the proposal. Organizations that wholly supported the proposal were: African Equids Group, International Union for the Conservation of Nature and Natural Resources' Survival Service Commission; Elsa Wildlife Animal Appeal, North Hollywood, California; American Association of Zoological Parks and Aquariums; National Health and Human Services, Inc., Las Vegas, Nevada; and Ecology Center of Southern California, Los Angeles, California. Five individuals also supported the proposal.

Three organizations generally supported the proposal (Catskill Game Farm, Inc.; Mount Kenya Game Ranch, Nanyuki, Kenya; and Riverbanks Zoological Park, Columbia, South Carolina), but felt that some sort of measures should be adopted to ease restrictions on captive stocks so that captive propagation could be facilitated. Such measures have been adopted in the present rulemaking.

Four letters from two individuals and one organization (Basie Maartens Safari, Windhoek, South West Africa/Namibia) had reservations about Hartmann's mountain zebra while approving of, or not mentioning, the Grevy's zebra proposal. Basically the reservations on Hartmann's mountain zebra concerned the fact that the population of these species has remained stable since 1968, and that it is totally protected in game reserves covering large regions. In areas where Hartmann's mountain zebra occurs on private lands, the animals cause damage to fences and crops, and are generally unwanted. Ranchers,

however, tolerate and breed the zebras because government regulated hunting brings them revenue. The three respondents to the proposal expressed grave concern that a ban on import of sport-hunted trophies into the United States would remove this economic value and would lead the ranchers to destroy zebras on sight. This possible repercussion is addressed in the present rulemaking.

Safari Club International, in a letter dated February 14, 1978, endorsed the proposal to list Grevy's zebra as Endangered, but did not agree with the proposal on Hartmann's mountain zebra. This organization claimed that listing this zebra as Endangered would remove the primary incentive for conserving the animals by eliminating economic benefits to the ranchers of sport hunting. It further questioned the population estimates for this species used in our proposal; this has been corrected in the present rulemaking.

In a letter dated March 7, 1978, Safari Club International contacted the Service again and reported that new information had become available to it which indicated that the population of Grevy's zebra might be as high as 20,000 animals, and therefore, a Threatened rather than Endangered status might be more appropriate for the species. The Service has now obtained this new information from Kenya and it is discussed in detail below and in the "Summary of Factors Affecting the Species" section of this rulemaking.

The Service, at the time of the proposed rulemaking, contacted the countries in which these zebras are resident, and requested any data, views or comments on the proposed listing; only the Government of Kenya responded. That Government reported that it put the population of Grevy's zebra at 14,000 animals which indicated considerable potential for the species' conservation. However, Kenya cautioned that the rate of decline of this zebra over the past seven years is sufficient to demand strong conservation action; it recommended Endangered status for Grevy's zebra. The Service, however, is listing the species as Threatened for reasons outlined elsewhere in this rulemaking.

Only a single letter was received which was entirely negative to the proposed rulemaking. This letter, however, contained no data or pertinent comments and is not considered further in this rulemaking.

Section 4(a) of the Act states: "General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a

threatened species because of any of the following factors:

- (1) The present or threatened destruction, modification or curtailment of its habitat or range;
- (2) Overutilization for commercial, sporting, scientific or educational purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence."

This authority has been delegated to the Director.

#### Summary of Factors Affecting the Species

##### *Grevy's Zebra*

With the Grevy's zebra, factors (2) and (4) above are operational, but the threat to the species is not as great as had been believed at the time of the proposal. The major factors that have moved the Service to designate this species as Threatened rather than Endangered are new and more accurate census data, and recent moves on the part of Kenya to conserve its game animals.

When the Service proposed Grevy's zebra as Endangered, it was believed that the species had been reduced through legal and illegal hunting for hides to less than 1,500 animals (Thornback and Burton, New Scientist, July 28, 1977). This estimate, however, was based on only minimal information. Recently, through a survey by the Kenya Rangeland Ecological Monitoring Unit (Aerial Survey Technical Report Series No. 4, February, 1978), it has been shown that the numbers of these zebras are actually in the neighborhood of some 13,718 individuals scattered thinly throughout the northeastern third of the country. This new and more accurate figure indicates considerable potential for the species' conservation. The Kenya Minister for Tourism and Wildlife, however, points out, in a February 28, 1978, press release, that while the number of Grevy's zebra is far greater than had been believed, there is still need for urgent action. He states that the Kenya Wildlife Planning Unit was able to show through a comparison of past and present figures from Samburu District, a key part of the Grevy's range, that the species had declined from 7000 in 1976 to 2,500 in 1977. The Kenya Minister of Tourism and Wildlife further states that: "While the remaining numbers give greater scope for conserving the species than was realized, there is little time left".

The second factor that leads the Service to believe that Grevy's zebra is Threatened rather than Endangered is that Kenya, now conscious of the plight of the species, is determined to institute conservation measures, and has banned sport hunting since May of 1977. One of the major purposes of this rulemaking is to provide assistance to Kenya in conserving the Grevy's zebra by assuring that illegally taken hides and other zebra products do not find a market in the United States.

##### *Hartmann's Mountain Zebra*

With regard to Hartmann's mountain zebra, the Service incorrectly cited Joubert (Modoqua, ser. 1, No. 7, p. 5, 1973) as stating that there were only 2000 animals in South West Africa/Namibia; actually, Joubert gave a population estimate of 7,000 as of 1967. The South West African/Namibian Director of Nature Conservation and Tourism (Communication dated July 26, 1977), estimates that there are 7000 Hartmann's mountain zebra in the country as of 1977. Therefore, the species has shown no decline in numbers during the past decade.

The Director of Nature Conservation and Tourism states that of the 7000 Hartmann's mountain zebra, 4200 are protected in game reserves; the remainder occur on privately owned ranches. These zebra would not be tolerated on the privately owned ranches if there were not incentive to keep them since they directly compete with cattle and sheep. Such an incentive is provided by sport hunting; other alternatives to relieve the population pressure have proved too costly to be practical.

Sport hunting of Hartmann's mountain zebra is controlled by the South West African/Namibian Government which issues a small number of permits to hunt a restricted number. The South West African/Namibian Government feels that if this zebra did not have an economic value to the ranchers, they would destroy them on sight; given, however, the economic value of the species, the ranchers themselves are protecting them.

The facts that (1) Hartmann's mountain zebra has maintained its population level over the past decade, and that (2) it is strictly protected by the South West African/Namibian Government, lead the Service to believe that an Endangered classification is not warranted. However, the numbers remaining are quite small (7,000 animals left from a population that once numbered between 50,000 and 75,000) and the political stability of the region is

uncertain. Therefore, the Service feels that a Threatened determination under the Act is justifiable.

**Effects of the rulemaking**

This rulemaking will prohibit the importation and other activities involving Grevy's zebra (live animals or parts and products) into the United States except under permit for scientific purposes, or the enhancement of propagation or survival, economic hardship, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act (50 CFR 17.31(a), 17.32). Importation and other activities involving Hartmann's mountain zebra (live animals or parts and products) will be prohibited as with the Grevy's zebra

except importation of legally taken sport hunting trophies shall be allowed.

This rulemaking may also make funds and expertise available, if requested, to assist in conservation programs for both Hartmann's mountain zebra and Grevy's zebra. Under Section 7 of the Act, no Federal agency may authorize, fund, or carry out any action which would jeopardize the survival of either species.

**Endangered Species Act Amendments of 1978**

The Endangered Species Act Amendments of 1978 specify that the following be added at the end of subsection 9(a)(1) of the Endangered Species Act of 1973, as amended:

At the time any such regulation (any proposal to determine a species to be an Endangered or Threatened species) is

proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Since the two species under consideration in this rulemaking are foreign species no critical habitat designation is appropriate, and this amendment does not apply.

Dated: August 10, 1979.

Robert S. Cook,  
*Acting Director, Fish and Wildlife Service.*

1. Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the Code of Federal Regulations is amended by adding Grevy's zebra and Hartmann's mountain zebra alphabetically under "Mammals", as follows:

**§ 17.11 [Amended]**

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Species		Range			Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion endangered			
<b>Mammals:</b>							
Zebra, Grevy's	<i>Equus grevyi</i>	N/A	Kenya, Ethiopia, Somalia	Entire	T		
Zebra, Hartmann's mountain	<i>Equus zebra hartmannae</i>	N/A	South West Africa/Namibia	Entire	T		

**National Environmental Policy Act**

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this

action as it involves Grevy's zebra and Hartmann's mountain zebra. The assessment is the basis for a decision that issuance of these regulations is not a major Federal action which would significantly affect the quality of the

human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

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