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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 16

#### Importation or Shipment of Injurious Wildlife: Raccoon Dog

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

**ACTION:** Final rule.

**SUMMARY:** The Service amends 50 CFR Part 16 by adding the raccoon dog (*Nyctereutes procyonoides*), a nonindigenous predatory mammal of the Family Canidae, to the list of injurious mammals, thereby prohibiting import into, acquisition and transportation between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States. This action is necessary to protect native fish and wildlife resources from potential adverse effects which may result from introduction into and subsequent establishment of the raccoon dog in the United States.

**EFFECTIVE DATE:** January 17, 1983.

**ADDRESS:** Division of Wildlife Management; U.S. Fish and Wildlife Service; Mail Code 355, 1717 H Street, NW., Room 512; Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Chief, Division of Wildlife Management; Telephone: (202) 632-7463; Address: see above.

**SUPPLEMENTARY INFORMATION:** On May 20, 1982 (47 FR 21892), under authority of the Lacey Act (18 U.S.C. 42), the Service proposed to amend 50 CFR Part 16 to add the raccoon dog (*Nyctereutes procyonoides*) to the list of injurious wildlife as the means to prohibit importation of live animals. Reasons for the apparent need to list the species as injurious and background on initial Service involvement with the raccoon dog were provided in the proposed rule along with information on natural history of the species.

**Summary and Analysis of Comments and Action Taken:** The proposed rule invited comments for 45 days ending July 6, 1982. Copies of the notice were sent to all State wildlife conservation agencies and to over 65 individuals, organizations, and Federal agencies which were considered to have knowledge of raccoon dogs or a vested interest in the proposed rule. The mailing included zoos having raccoon dogs, a zoo association, fur industry associations, professional wildlife management associations, universities, and the U.S. Departments of Health and Human Resources, Agriculture, and Interior. Written comments were received from 52 respondents as follows: State Governments—25 (all support); Provincial Governments—1 (support); Fur Industry—3 (1 support, 1 oppose, 1 no comment); Zoological Parks and Associations—9 (2 support, 7 oppose); Universities—4 (all support); Professional Wildlife Associations—6 (all support); Other Organizations—1 (support); Indian Nation—1 (support); Individuals—2 (both support). Of all respondents, 43 supported the rule, 8 opposed it, and 1 offered no opinion. After reviewing the comments along with the best available information, the Service has determined that the rule is warranted. The basis for such decision and a discussion of the comments received are given below:

**Natural History Factors:** Several characteristics of the raccoon dog indicate that it would readily adapt to most habitats within the United States. From 1929 to 1955, nearly 9,000 raccoon dogs were introduced into temperate forests of the western and central Soviet Union and Siberia in efforts to establish the species for fur harvest. These introductions were successful and the species migrated extensively into neighboring countries. Much of North America is temperate forest where average temperatures and precipitation are similar to those in areas where the raccoon dog is already well established and thriving. Raccoon dogs favor protected waterways, forest patches with ponds, and areas occupied by man.

These areas occur in large expanses in the United States including the Great Lakes region, where some animals presently exist on fur farms. Raccoon dogs are capable of surviving at fairly high altitudes, and are the only canids known to hibernate during harsh winters.

As emphasized in the proposed rule, studies have shown this animal to be capable of eating a wide variety of foods. In fact, one authority believes it is the most omnivorous of all canids. Raccoon dogs have a high reproductive rate which acts to maintain large numbers that lead to range expansion through emigration. Additionally, both sexes protect young pups thus enhancing survival. Like many canids, adult animals occupy dens during the breeding season and harsh winters. They frequently use dens of other animals even though they are able to dig their own.

When out in the open, the slow moving raccoon dog is relatively easy prey to predators. However, the species usually hides along river vegetation, rocky outcroppings, brush, and the like, and is largely nocturnal.

All factors considered, the raccoon dog is adaptable to a wide variety of habitats and climates and many parts of North America include areas where this animal could survive.

**Competition with Native Wildlife:** Some respondents to the proposed rule felt there was no sound biological data indicating that raccoon dogs pose a threat to native wildlife. Reasons for this view include: (1) The raccoon dog's niche is already filled by several native species, (2) North American predators would likely prevent or eliminate any firm establishment or spread, and (3) experience in Russia has shown that the potential of establishment in the U.S. is slight because thousands of animals purposely released over an extended period of time were necessary for the species to become incorporated into the temperate regions of central and western Russia.

Although some respondents to the rule emphasized that the raccoon dog's niche is presently filled in North America, this does not preclude released or escaped animals from competing successfully for that niche. The raccoon dog is known to be aggressive and can readily compete for survival in a variety of habitat and climatic types. Raccoon dogs in Russia and eastern Europe compete with foxes (*Vulpes* spp.), badgers (*Meles meles*), mink (*Mustela vison*), muskrats (*Ondatra zibethica*), and some birds for territory, breeding sites, or food. From 1958-1962, raccoon dogs displaced 60%

of known badger den sites in the Latvian Republic of the U.S.S.R. In this same region, raccoon dogs increased from 100 in 1948 to 10,000 in 1963. One respondent pointed out that the northern raccoon (*Procyon lotor*), a would-be competitor in North America against raccoon dogs, is considerably larger than the exotic canid. Competition between species does not necessarily imply direct physical competition between individual animals for contested resources. Instead differences in fecundity, survival, and mobility determine the nature of the competition involved. For example, early in U.S. history, the opossum (*Didelphis marsupialis*) occurred only in the southern and central eastern United States but has since expanded its range northward into southeastern Canada. It has also been successfully introduced west of the Great Plains and Rocky Mountains where it previously never occurred. The expansion of the opossum, which, like the raccoon dog, is omnivorous, extremely prolific, tolerant of man, and prefers riparian habitat and hollow trees for dens, occurred in regions where northern raccoons have historically lived. This indicates that the northern raccoon did not offer much ecological resistance to the smaller opossum's spread. Similar analogies of exotic species filling occupied native niches can be drawn from review of the introductions of house sparrows (*Passer domesticus*), starlings (*Sturnus vulgaris*), and nutria (*Myocastor coypus*). All of these species are aggressive and adapt readily to a variety of habitat and climatic conditions.

Some respondents contended that North American predators such as bobcats (*Lynx rufus*), coyotes (*Canis latrans*), and great horned owls (*Bubo virginianus*) would prevent the establishment of raccoon dogs. Raccoon dogs released into Russia were exposed to predation but it did not prevent them from becoming firmly established throughout central and western Russia. Neither did it prevent their expansion into Finland, Sweden, Romania, Hungary, Czechoslovakia, Poland, East and West Germany, Austria, Bulgaria, and Greece, a substantial area of diverse habitats, numerous predators and a wide range of climatic conditions.

Contrary to one respondent's view, the existence of only a small number (50 minimum on fur farms and zoos) of these animals in the U.S. has little bearing on the rule. The purpose now is to prevent future importations. Otherwise, greater numbers probably would be brought to the U.S. thereby increasing the likelihood of escape and introduction. The danger in this

potential is illustrated by the Russian experience. The Russian introductions were widespread covering 40 regions, territories, and autonomous republics encompassing millions of square miles of territory. The species apparently had little difficulty becoming established there and began expanding its range except in Siberia where it was limited by cold temperature. The introductions extended over a 25 year period because there was great interest in the raccoon dog as a harvestable fur resource, not because there were difficulties in establishment. The multiple introductions simply accelerated its population growth and expansion. This is what this rule seeks to prevent.

In a similar vein, one respondent mentioned that European ferrets (*Mustela putorius*) have been sold as pets in the U.S. and over the years numerous animals have been released or escaped without establishing a wild self-sustaining population. This point was intended to illustrate that the Service and rule proponents are probably overly concerned about dangers of the raccoon dog. In response however, it must be noted that the occasional release/escape of a pet ferret, an animal that when domesticated is quite tame and unaggressive, at widely scattered places and times cannot be expected to result in a viable wild population. On the other hand, the release or escape of a number of breeding pairs of aggressive raccoon dogs from a fur farm into one area poses a definite threat of fixing a small breeding nucleus potentially capable of expansion. The probability of escape of some fur farm raccoon dogs to some extent is proportional to their abundance in captivity. It can occur, as was shown by an animal that escaped recently in northern Minnesota and lived several weeks in the wild until struck by a car.

*Other Potential Impacts of Introduction and Establishment:* Several other factors bear on the potential release or escape of raccoon dogs into the U.S. The species reportedly feeds on muskrats and other small rodents, and is particularly fond of, and destructive to, ground nesting birds and their eggs. This would be expected to have a great effect on regions such as the prairie pothole area of North Dakota where large numbers of waterfowl and other migratory birds breed. Additionally, the muskrat, which is an important furbearer, and other small rodents form a prey base for native predators. In the absence of this, native wildlife would suffer. Raccoon dogs might also become urban pests because of their affinity to

areas of human habitation. The potential of the species to act as a disease vector is clearly pronounced, based on accounts of the animals in Europe.

Raccoon dogs are known to carry rabies and preserve the rabies virus during winter hibernation. Wolves, foxes, and raccoon dogs in Europe are direct carriers of parasitic worms which can cause appreciable damage to livestock, and which may lead to human infection. For example, the nematode parasite *Trichinella pseudospiralis*, found in Russian raccoon dogs and capable of infecting laboratory primates, is very similar to *T. spiralis* which infects humans. The overall disease threat is even more evident in the raccoon dog because of its tolerance of humans. Reports from Finland show that once the animal is well established, it is impossible to significantly reduce or eliminate. Several respondents favoring the rule also felt that all animals now in fur farms in the U.S. should be eliminated to preclude any chance for establishment.

*Economic Consideration:* The impact that an established population of raccoon dogs might have on the U.S. economy could be significant. The value of potential establishment of this species must be weighed against the income or other values that might be lost through detrimental impacts to native furbearers, prey species, game species, and habitat quality. Previous experience with inadvertent but successful introductions of unwanted exotic wildlife clearly demonstrates that man is economically stressed by the destruction or reduction in livelihoods, industries, and recreational opportunities (e.g., trapping, crop damage, and sport fishing, respectively).

*Other Considerations:* Some respondents suggested that this rule was being considered largely to satisfy a request from the Canadian Government for cooperative efforts to prevent introduction of this species into North America.

Although initially approached by the Canadian Government, we subsequently analyzed the potential problem and fully agreed to cooperate. We are convinced that our joint efforts are essential to prevent this species from potentially damaging native North American wildlife species. All State wildlife conservation agencies commenting on this rule are opposed to this species being introduced. Control of this species in one State will be difficult if it becomes fixed in adjacent States or Provinces. Without Federal assistance from both the U.S. and Canada, State or

Provincial restrictions on raccoon dogs would be in vain.

One respondent remarked that the raccoon dog should not be singled out because there are numerous other animals that probably would qualify as injurious that should also be considered. Notwithstanding the veracity of this argument, The Service is attempting to fulfill the intent of the Lacey Act by acting swiftly in restricting import and movements of raccoon dogs because there appears to be some demand for them and the threat of accumulating greater numbers is pressing. An effort to consider all potential injurious wildlife would significantly delay necessary action on the raccoon dog, thereby compromising necessary protection for certain native species.

**Conclusion:** The need for the rule is based on currently available biological evidence which suggests that importation and introduction of the raccoon dog into the natural ecosystems of the United States or any territory or possession of the United States would pose a threat to migratory waterfowl, upland game birds, and other native wildlife species. This threat results from potential predation, interspecific competition for food and den sites, and introduction of exotic diseases and parasites. Adverse impacts from raccoon dog introductions would transcend State lines and become regional or national in scope. The extent to which introduced raccoon dogs could or would supplant native wildlife cannot be demonstrated except through examples from Europe and Asia. Nonetheless, these data seem adequate to support the Service's determination that importation and subsequent release of raccoon dogs into ecosystems of the United States, whether accidental or intentional, would be injurious or potentially injurious to the welfare and survival of some species of native

wildlife. Addition of the raccoon dog to the list of injurious mammals in 50 CFR Part 16 is the only means to provide long-term protection to native wildlife from raccoon dog competition.

**Required Determinations:** An assessment of the environmental effects of this rule has been prepared as required by the National Environmental Policy Act of 1969. A determination has been made that this rulemaking action is not a major Federal action significantly affecting the quality of the human environment.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The basis for the determination was presented in the proposed rule.

The Environmental Assessment and the Determination of Effects of Rule are available for public inspection, as are all supporting documents, during regular business hours (7:45 am to 4:15 pm) at the address presented above.

**Information Collection:** This rule does not contain information collection requirements which require approval from the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.* Once the raccoon dog is listed, any person that proposes to import, acquire, or transport raccoon dogs may not do so except for educational, zoological, scientific, or medical research purposes provided one obtains a permit under 50 CFR Part 16, Subpart C, which has been approved by OMB and assigned clearance number 1018-0022 under 44 U.S.C. 3501 *et seq.* Service experience indicates that probably no more than two permits may be annually applied for representing a paperwork burden of about 20 minutes per applicant.

This rule was prepared by Steve Funderburk, Wildlife Biologist, Division of Wildlife Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

#### List of Subjects in 50 CFR Part 16

Import, Transportation, Wildlife, Animal diseases, Fish, Freight.

#### PART 16—INJURIOUS WILDLIFE

In consideration of the foregoing, Part 16, Subpart B, Chapter I of Title 50, Code of Federal Regulations is amended as follows:

In § 16.11, paragraph (a) is revised to read as follows:

##### § 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited of live specimens of: (1) Any species of so-called "flying fox" or fruit bat of the genus *Pteropus*; (2) any species of mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Herpestes*, *Ichneumia*, *Mungos*, and *Suricata*; (3) any species of European rabbit of the genus *Oryctolagus*; (4) any species of Indian wild dog, red dog, or dhole of the genus *Cuon*; (5) any species of multimammate rat or mouse of the genus *Mastomys*; and (6) any raccoon dog, *Nyctereutes procyonoides*: Provided, that the Director shall issue permits authorizing the importation, transportation, and possession of such mammals under the terms and conditions set forth in § 16.22.

\* \* \* \* \*

Dated: November 1, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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