# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

#### DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service [ 50 CFR Part 17 ]

### ENDANGERED AND THREATENED WILDLIFE

Proposed Endangered Status for 216 Species Appearing on Convention on International Trade

Relative to a request of May 22, 1975 by the Fund for Animals, Inc., the U.S. Fish and Wildlife Service hereby proposes to list as Endangered Species, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884), those species which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and which do not already appear on the U.S. Lists of Endangered Wildlife. The Fund contends that signature and ratification of the Convention acknowledged the Endangered status of these species and that they therefore should appear on the Lists of Endangered Wildlife promulgated pursuant to the Endangered Species Act of 1973.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora established a system of regulations to prevent the overexploitation of the world's natural blota. Species of concern are listed in three appendices, which include provisions for periodic amendments. Differing levels of trade aregulation are provided for species on each appendix depending, in part, upon the degree to which such forms are threatened with extinction and the contribution trade or international traffic makes to such a threat.

Appendix I, which contains the most critical listing, includes all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species will be subject to particularly strict regulation to guard against further jeopardizing their survival. Exceptions will be allowed in only a few circumstances. Trade that is allowed will require both an export permit from the country of origin and an import permit from the country of destination.

Appendix I presently consists of 375 faunal and 45 floral taxa. Approximately 50 percent of the fauna on Appendix I already are on the U.S. List of Endangered Wildlife, as published in the Fed-

ERAL REGISTER. Those species are not duplicated below.

Variations between Appendix I and the following proposed plant lists are: (1) "Cattleya jongheana" was a typographical error that has been properly corrected as Laelia jongheana and, (2) Lycaste virginalis var. alba, as listed in Appendix I, is referred to below as Lycaste virginalis.

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an endangered species, or a threatened species, because of any of five factors. These factors are the following:

(1) The present of threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) Inadequacy of existing regulatory mechanisms:

(5) Other natural or manmade factors affecting its continued existence.

With regard to each of the species proposed for endangered status herein, there appears to have been a decline in numbers, due either to factors 2 or 4 above. or to a combination of both. Some of these species, such as the clouded leopard, have been exposed to overutilization for commercial purposes involving the fur trade; others, such as the sable antelope, have been exploited for food and sport. All of the species on Appendix I have been recognized by the Convention as being in international trade or as having the potential of entering into international trade. Given the precarious position of each species, international trade could be detrimental to the survival of the species, but presently no satisfactory mechanism to control or regulate such trade is in effect. The Convention has now been ratified by a sufficient number of nations to make it operational. In the future, as more nations ratify, it could provide a satisfactory international regulator. Until such time, however, the inadequacy of existing regulatory mechanisms continues to be a factor in the endangerment of the species on Appendix

During the period between publication of this proposed rulemaking and the final rulemaking, a thorough status survey

will be conducted on each species or groups of like species to determine the extent to which international trade has been a factor in their endangerment. It will also be determined for all of them whether any of the other five factors required for listing of a species as endangered are operational.

Supporting data for the above proposal were presented in the petition or are on file with the Fish and Wildlife Service, Washington, D.C. The final rulemaking on these species will be a large undertaking, involving (1) the preparation of necessary status information on these species, (2) the preparation of environmental assessments and (3) consultations with States, foreign countries and others as required by the Endangered Species Act. The final listing process will thus be quite extensive and it will take many months to complete. It should also be noted that the Fish and Wildlife Service probably will not publish a final rulemaking which will list all of these species at once. Rather, as status reports and Impact Assessments on certain groups of species are completed, those species will be listed before proceeding to other groups of species.

#### SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than October 28, 1975, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

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.

Dated: September 19, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

1. Add to the list of endangered species in Part 17, the following:

#### PROPOSED RULES

Common name	Scientific name	Range	Portion of range wher endangered
Plants:	41/	TALL TOUTE	<b>-</b>
(1)	Alocasia zebrina	Malaya, Philippines Philippines	Entire range Do.
(1)	Caryocar costaricense	Philippines Costa Rica Mongolia, Tibet, Tian-shan Mongolia	Do.
(1)	Melandrium mangolieum	Mongolia, Tibet, Tian-shan	Do. Do.
(1)	Silene mongolica	do	. Do.
(1)	Stellaria pulvinata	do. do. do. Chile, Argentina. Southern Chile. Tropies, South Africa. Cuba. Southeast Africa. Brazil. Costa Rica.	Do.
White slerce	Pilacrodendron wiferum	Southern Chila	Do. Do.
Bread-palms	Encephalartos spp.	Tropies, South Africa	Do.
(1)	Microcycas calocoma	Cuba	Do.
(1)	Prepusa hookeriana	Brazil	.Do. Do.
(1)	Vantanca barbourii	Costa Rica	Do.
(1)	Engelhardia pterocarpa	Costa Rica	Po.
(1)	Ammopiptantnus mongoticus Cunomitra hemitomonbulla	Costa Rica	Do. Do.
(1)	Platymiscium pleiostachyum	do	Do.
(1)	Tachigalia rersicolor	do	Do.
(1)	Aloe villausii	South Africa	Do. Do.
Spiral aloc	Aloe polyphylla	Lesotho	Do.
45	Aloe thorncroftii	Transvaal, Republic of South Africa	Do.
(1)	Aloe rossu	Regil	Do. Do.
(1)	Guarea longipetiola	Panama	Do.
(1)	Patocarpus costaricensis	Costa Rica. Southern Mexico to Costa Rica, Trini-	Do.
		dod	Do.
(1)	Cattleya trianac	Colombia Eastern India Brazil do Mexico, Guatemala, Honduras Costa Rica, Panama, Colombia, Voue-	Do.
(1)	Didicica cunninghamii	Eastern India	Do.
(1)	Lactia tobata	Brazil	Do. Do.
(1)	Lucaste virginalis	Mexico, Guatemala, Honduras	Do.
Holy Ghost Orchid	Peristeria elata	Costa Rica, Panama, Colombia, Vene-	Do.
		zuela. Western Guatemala	
(1)	Abies nelrodensis	Northern Sicily	Do. Do.
(1)	Podocarpus costalis	Northern Sicily Philippines, Taiwan	Do.
Parlatore's podocarp.	Podocarpus parlatorei	Southern Peru, Bolivia, Northern	Do.
Marsh-rose	Orothomaus zeuheri	Argen'ina. South Africa	Do.
(1)	Protea odorata	do. Mevico Italy: Sardinia	Do.
(1) (1)	Balmea stormae	Mexico	Do.
(1)	Celtis actnensis	Sicily: Mount Etna	Do. Do.
	Welvitschia bainesii	Angola, South-West Africa. Philippines.	Do.
flower, Molluses;	Hedychium philippinense	Philippines	Do.
Birdwing pearly mussel.	Contadilla caelata	Powell and Clinch Rivers in Virginia and Tennessee, Duck River in Tennessee.	Do.
Dromedary pearly	Dromus dromas	Powell and Clinch Rivers in Virginia	Do.
mussel.	Epideleama (- Dunnamia) 400	and Tennessee.	T>-
Curtis' pearly mussel.	entina curtisi.	Black River in Missouri	. Do.
Yellow-blossom pearly mussel.	Epioblasma (=Dysnomia) flor- entina florentina.	Duck River in Tennessee	
Sampson's pearly mussel.	soni,	Wabash River in Indiana and Illinois.	. Do.
White cat's paw pearly mussel.	Epioblasma (= Dysnomia) sulcata perobliqua.	Detroit River in Michigan and the St. Joseph River in Ohio, Michigan, and Indiana.	Do.
Green-blossom	Epioblasma (=Dysnozsia) toru-	Clinch River in Virginia and Tennes-	Do.
pearly mussel. Tuberculed-blossom pearly mussel.	losa gubernaculum. Epioblasma (= Dysnomia) toru- losa torulosa.	Lower Ohio River in Kentucky and Illinois, Nolichucky River, Tennes-	Do.
		see and Kanawha River, West Virginia.	
Turgid-blossom	Epioblasma (=Dysnomia) tur-	Duck River in Tennessee.	Do.
pearly mussel. Brown-blossom	oidula. Epioblasma (=Dysnomia) wal-	Lower Red River in Kentucky and	Do.
pearly mussel.	keri.	Tennessee, Holston River in Virginia and Tennessee, Stones River in Tennessee, Duck River in Tennessee, and Clinch River in Virginia	2.01
	r.	and Tennessee	
Fine-rayed pigtoe pearly mussel.	2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 - 2000 -	Clinch River in Virginia and Tennes- see, Powell River in Virginia and Tennessee, and Paint Rock River in	Do.
Shiny pigtoe pearly mussel.	Fusconaia edgariana	northern Alabama. Powell River in Virginia and Tennessee, Clinch River in Virginia and Tennessee, Paint Rock River in Alabama, and Holston River in	Do.
Higgins' eye pearly mussel.	Lampsūlis higginsi	Virginia. Mississippi River in Minnesota, Wisconsin, Illinois, Meramec River in Missouri, St. Croix River in Wiscon-	Do.
Pink mucket pearly mussel.	Lampsilis orbiculata orbiculata	sin, Minnesota.  Green River, Kentucky, Kanawha River in West Virginia, Tennessee River in Tennessee and Alabama,	Do.
Plain pocketbook	Lampsills satura	Muskingum River, Ohio.  Sabine River System, Texas and Louisiana, Trinity River, Texas, San Jacinto River, Texas.  Paint Rock River System in Ala-	Do.
Alabama lamp pearly mussel.		bama.	
White wartyback pearly mussel.	Plethobasis cicatricosus	Tennessee River, Tennessee and Alabama.	
Orange-footed pimpleback.	Plethobasis cooperianus	Tennessee River, Tennessee and Alabama. Tennessee River, Tennessee, Green	
		Hannagas Diese Mennagas Conse	Do.



## PROPOSED RULES

Common name	Scientific name	Range	Portion of range where endangered
Fat pocketbook	Potamilus (= Proptera) capaz	White River, Arkansas, St. Francis	Do.
pearly mussel. Cumberland monkeylace pearly		River, Arkansas and Missouri.  Powell and Clinch Rivers, Virginia and Tennessee, Duck River, Ten-	Do.
mussel. Appalachian monkeyface pearly		nessee.  Powell and Clinch Rivers, Virginia and Tennessee.	Do.
mussel. Pale lilliput pearly mussel.	Tozolasma (= Carunculina) cylindrella.	Duck River, Tennessee, Paint Rock River, Achama	Do.
Nicklin's pearly mussel.	Unio (possibly Megalonaias) nickliniana.	Mexico	Do.
Tampico pearly mussel.	picoensis tecomatensis.	da	Do. -
Cumberland bean pearly mussle. Fish:	Villosa (=Micromya) trabilis	Cumberiand and Rockcastle Rivers, Kentucky.	Do.
	Scleropages formosus	Borneo, Banka, Sumatra, Malaya,	Do.
	Probarbus jullieni	Thailand, Menam River (Thailand), Mekong River (Cambodia, Laos, and Viet- m), Pahang River (Malaya).	Do.
Reptiles: Chinese alligator	Alligator sinensis	Lower Yangtze River drainage of China.	Do.
Black caiman Apaporis River	Melanosuchus niger	Amazon basin Apaporis River of Columbia.	Do. Do.
caiman. Broad-snouted	Caiman latirostris	Brazil, Uraguay, Argentina, Paraguay.	Do.
caiman. Tomistoma	Tomistoma schlegelii	Borneo, Sarawak, Sumatra, Southern	Do.
African dwarf crocodile.	Osteolaemus tetraspis tetraspis	Malay Peninsula. West Africa	Do.
Congo dwarf crocodile.	Osteolaemus tetraspis osborni	Congo Riverdrainage	Do.
African slender- snouted crocodile.		Western and Central Africa	Do.
Siamese crocodile Mugger crocodile Ceylon mugger	Crocodylus siamensis Crocodylus palustris palustris Crocodylus palustris kimbula	Southeast Asia, Malay Peninsula	Do. Do. Do.
crocodile.	Crocodylus novaeguineae mindor-	Philippine Islands	Do.
Spotted pond turtle	ensis. Geoclemmys (-Damonia) hamil-	Northern India, Pakistan	Do.
Three-keeled Asian	tonii. Geoemyda (-Nicoria) tricarinata	Central India to Bangladesh and As-	Do.
turtle. Indian sawback turtle.	Kachuga tecta tecta	Ganges, Brahmaputra, and Indus drainages of India.	Do.
Burmese peacock turtle.		Southern Barma	Do.
Angulated tortoise	Geochelone (-Testudo) geometrica Geochelone (-Testudo) yniphora	Cape Province, South Africa	Do. Do.
Indian flap-sheli tortoise. Cuartro Cienegas	*	Pakistan, and Bangladesh.  Cuarto Clanegas basin, Mexico	Do. Do.
softshell turtle.	Trionyz nigricans	Pond near Chittatong, East Pakistan	Do.
Indian softshell turtle.	Trionyx gangeticus	Pakistan, India, Bangladesh and Nanal	Do. Do.
Peacock softshell turtle. Komodo Island	Varanus komodoensis	Ganges and Brahmaputra drainages of India and Bangladesh. Komodo, Rintia, Padar, and western	Do.
monitor.	Varanus flavescens	Komodo, Rintja, Padar, and western Flores Islands of Indonesia. West Pakistan through India to Bang-	Do.
			Do.
Desert monitor	Varanus griseus	Persia, Afganistan, India, Ceylon, Burma, Thailand, South Vietnam, Malay Peninsula, Java. North Africa to Neareast, Caspian Sea through U.S.S.R. to West	Do.
Indian python	Python molurus molurus	Pakistan, Northwest India.	Do.
Amphibians:	•	Honshu and Kyushu Islands, Japan	Do.
mander. Chinese giant sala-	vidianus japonicus. Andrias (= Megalobatrachus) da-		Do.
mander. Cameroon toad	vidianus davidianus. Bufo superciliaris.	Equatorial Africa  Monteverde, Costa Rica  Tengania Guinea Africa	Dо.
Monteverde toad African viviparous toads.	Nectophrynoides spp	Monteverde, Costa Rica	Do. Do.
Panamanian golden frog.	Atelopus varius reteki	Panama	Do.
Birds: Solitary tinamou	Tinamus solitarius	Brazil, Paraguay, Argentina	Do.
Frigate bird	Fregata andrewsi	Christmas Island in Indian Ocean East Indian Ocean Islands	Do. Do.
Campbell Island flightless teal. Marianas mallard		Campbell Island, New Zealand	Do. Do.
3	Rhodonessa caryophyllacsa	Marianne.	Do.
py eagle	. Harpia harpyja	Mexico, Central America, Bolivia, Brazil, Argentina.	Do.
Greenland white- tailed eagle.	Hallacetus albicilla greenlandicus.	. Greenland and adjacent Atlantic	Do.
Peregrine falcon Do Dack-fronted piping-guan.	Falco peregranus peregranus	Europe, Russia Central deserts and steppes of life Argentina	Do. Do. Do.

#### PROPOSED RULES

Common name	Scientific name	Range	Portion of range where endangered
		Amazonian Columbia, Brazii, Peru, and Bolivia.	Do.
Himalayan monai	Lophophorua im pejanus	Himalayas	Do.
Tibetan snowcock	Tetraogollus tibetanus	Sino-Himalaysa	Do. Do.
Montezuma quall	Cyrotonyz montezumae merriami_	Southeastern China Sino-Himalaysa Mexico	Do.
Cuba sandhill crane.	Grus canadensis nesiotes	Cuba, Isle of Pines	Do.
Black-necked crane	Grue nigricollie	Tibet	Do.
ran.		Cuba, Isle of Pines. Tibet. Mongolia. Lord Howe Island.	Do. Do.
Nordmann's green- shank.		Assam, Pakistan, Sakhalin Island, Siberia, Ussunland, Japan, Korea, Melave, Burma	Do. Do.
Khar turuut tsakhiai. Mindoro zone-tailed		India, China, Tibet, South America.	Do.
pigeon. Red-spectacled		Philippines  Brazil, Argentina	Do.
parrot. Vinaceous breasted		Brazil	Do.
parrot. Glaucous macaw	Anodorhynchus glaucus	Paraguay, Uruguay, Brazil	Do.
Little blue massar	Cuannaitta sairi	dodo	Do.
Red-canned perrot	Pinnoneitta mileate	do	Do. Do.
Golden parakeet	Aratinga guaruba	do	Do.
New Zealand parakeet.	Cyanoramphus novaezelandiae	do do New Caledonia, Norfolk Island, New Zealand. Africa Brazil Central America	Do.
Hook-billed bernit	Ramphodon dobrett	Airica	Do.
Resplendent quetzel	Pharomachrus mocinno mocinno	Central America	Do. Do.
20	censis,	Costa Alca	De.
Giant scops owl	Otus gurneyi	Islands of Marinduque and Mindanao, Philippines. Malaya, Sumatra, Borneo	Do.
Randed cotings	Cotinga maculata	Malaya, Sumatra, Borneo	Do.
tinga		Brazildo	Do. Do.
Western rufous bris-	Pitta kochi	Philippines	Do. Do.
*******	: `	Norfolk Island	Do.
Red siskindammals:	Spinus cucullatus	South America.	Do.
Lemur	Alcord and lists (village)	Madagascar Colombia	Do.
Golden langur	Presbutis seei	Assam, Bhutan	Do. Do.
Langur	Presbytis pileatus	South America.  Madagascar Mexico, Ecuador, Colombia Assam, Bhutan Assam, India, Burma Tibet, India, Nepal, Ceylon, Paki- stan, Kashmir, Sikkim, Bangla- desh.	Do. Do.
Probascis mankey	Nadalie larvatus	stan, Kasnmir, Sikkini, Bangla- desh. Borneo	Do.
Gibbons	Hylobates app	China, Burma, India, Assam, Thai-	Do.
Giant armadillo	Priodontes gigantens (=maxi- mus).	Malay peninsula, Sumatra Vonezuela, Guyana, Argentina	Do. Do.
Scaly anteater	Manis temminekii	Africa	Do.
Hispid hare	Caprolagus hispidus	India, Nepal Mongolia	Do.
Beaver	Castor poor birusa	New Mexico, Texas, Mexico	Do.
Australian native	Zyzomys pedunculatus.	Australia	Do. Do.
Do	Notomys aquild	do Bolivian Andes	Do.
Grav wolf	Canis lumus manstrabilis	Texas, New Mexico Marion	Do. Do.
Spotted linsang	Prionodon pardicolor	Nepal, Assam, Burroa, Indochina	Do.
Glacier bear	Craus americants emmonsii	Alaska, British Columbia	Do.
Brown bear	Ursus arefor-pruinoeus	Tibet	Do.
Long-tailed ofter	Lutra longicavdis	Texas, New Mexico, Mexico, Nepal, Assam, Burrua, Indochina, Alaska, British Columbia Tibet Italy South America	Do. Do.
Marine occer	Tatta jeima	lan	Do.
Southern river otter Southern sea otter	Lutra provocas.  Enhydra lutris nereis	Chile, Argentina Waters off California from Santa Barbara to Santa Cruz counties.	Do. Do.
Flat-headed cat	Felis planiceps.	Malur Davinarda Damas Cumatus	Do.
Black-footed cat	Felis nigripes	Southern Africa	Do.
Costa Rican puma	Felia concolor costaricensis	Nicaragua, Costa Rica, Panama	Do.
Leonard out	Felis bengalensis bengalensis	Rastern Asia	Do. Do.
Jaguarundi	Felis yagouaroundi cacomilli	Southern Africa Nicaragua, Costa Rica, Panama Tibet, Sumatra Eastern Asia Moxico	Do.
Do	Felis yagouaround! fossata	Mexico, Nicaragua	De.
Do	Felis yagouaroundi panamensis Felis yagouaroundi tolters	Nicaragua, Costa Rica, Panama	Do. Do.
		Mexico, Nicaragua. Nicaragua, Costa Rica, Panama. Mexico. Nepal, Mayala, Burma, Sumatra, Borneo.	Do.
Andean cat	Felia (7 mm) mefer	Chile, Peru, Bolivia, Argentins	Do.
Clouded Jeopard	Neofelis nebulosa Elenhas marimus	Central Mexico	Do. Do. Do.
Desarra Tel-ta hama	Emile merenalishii	Malay Peninsula, Sumatra, Ceylon.  Mongolia	
- Mountain zahra	limus zeira zehra	Southern Africa Burma, Thelland, Indochina, Suma-	Do. Do.

Common name	Scientific name	Range	Portion of range when endangered
Rahlmmere.	Rahurousa hahurusaa	North Celebes Tiogian Islands Burn	Do.
200000000000000000000000000000000000000		North Celebes, Tiogian Islands, Burn Island, Sula Island. Mongolia, China	* i , * · · ·
Bactrian camel	Camelila bactrianus	Mongolia, China	D
Musk deer	Moschus moschiferus moschiferus	South-central Asia	Do.
Hog deer	Axis (Hyelaphus) porcinus an-	India, Thailand, Indochina	Do.
	namiticus.	0.1 1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	-
Philippine deer	Axis (Hyelaphus) calamianensis.	Calamian Islands in Philippines	Do.
South Andean huemal.	Hippocamelus bisulcus	Chile, Argentina	Do.
North Andean huemal.		Ecuador, Peru, Bolivia, Chile, Argentina.	Do.
Pampas deer	Ozotoceras bezoarcticus	Brazil, Paraguay, Uruguay, Argentina.	Do.
Pudu	Pudu pudu	Southern South America	Do.
Mountain anoa	Bubalus (Anoa) quarlesi	Celebes	Do.
Lechwe	Kobus lechee	Southwest Africa	Do.
Sable antelone	Hippotragus niger variani	Southern Africa.	Do.
Dorcas gazelle	Damaliscus dorcas dorcas	South Africa	Do.
Saiga antelope	Saiga tatarica mongolica	Mongolia	$\mathbf{Do}$ .
Goral	Naemorhedus goral	East Asia	$\mathbf{D_0}$
Sumatran serow	Capricornis sumatraensis	Sumatra	Do.
Chamois-	Rupicapra rupicapra ornata	Italy	Do.
Straight-horned	Capra falconeri jerdoni	Pakistan-Afghanistan border	Do.
Kabal markhor	Capra falconeri mesitreros.	Afghanistan, Pakistan	Do.
Chiltan markhor	Capra falconeri chiltanensis	Pakistan	Do.
Urial	Ovis orientalis ophion	Pakistan Cyprus	Do.
Areali	Ovis ammon hodasoni	Tibet	Do.
Bhano	Ovis vignet.	Kashmir	Do
D. F. S.		The second secon	OF FREE BLA
None in common us	7 24	led 9-25-75;8:45 am]	e een.