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Ricardo Martinez,

Administrator.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB84

Endangered and Threatened Wildlife and Plants; Addition of 30 African Birds to List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds 30 kinds of birds, found in Africa and on associated islands, to the List of Endangered and Threatened Wildlife. All have restricted distributions and are threatened by habitat destruction, human hunting, predation by introduced animals, and various other factors. All were subjects of petitions from the International Council for Bird Preservation submitted in 1980 and 1991. This rule implements the protection of the Endangered Species Act of 1973, as amended (Act), for these birds.

EFFECTIVE DATE: February 13, 1995.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, from 8:00 a.m. to 4:00 p.m., Monday through Friday, in Room 750, 4401 North Fairfax Drive, Arlington, Virginia 22203. Comments may be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, Room 725; U.S. Fish and Wildlife Service; Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority (phone 703-358-1708; FAX 703-358-2276).

SUPPLEMENTARY INFORMATION:

Background

In a petition of November 24, 1980, to the U.S. Fish and Wildlife Service (Service), the International Council for Bird Preservation (ICBP)—now known as Bird Life International—requested the addition of 79 kinds of birds to the U.S. List of Endangered and Threatened Wildlife. Of that number, 58 occurred entirely outside of the United States and its territories. Of those foreign birds, 6 have now been listed and the rest have been covered by petition findings that

their listing is warranted but precluded by other listing activity.

Subsequently, in a petition dated April 30, 1991, and received by the Service on May 6, 1991, the ICBP requested the addition of another 53 species of foreign birds to the List of Endangered and Threatened Wildlife. In the **Federal Register** of December 16, 1991 (56 FR 65207-65208), the Service announced the finding that this petition had presented substantial information indicating that the requested action may be warranted. At that same time the Service initiated a status review of these 53 birds, with the comment period lasting until March 16, 1992.

Section 4(b)(3) of the Endangered Species Act of 1973, as amended in 1982 (Act), requires that, within 12 months of receipt of a petition to list, delist, or reclassify a species, a finding be made as to whether the requested action is warranted, not warranted, or warranted but precluded by other listing activity. In the case of the 1991 ICBP petition, available information supports listing of all 53 species. With respect to 15 of these species—those occurring in Africa and Madagascar and on associated islands of the Atlantic and Indian Oceans—an ICBP Red Data Book (Collar and Stuart 1985) provides detailed status data. This same source provides data supporting the listing of 13 of the African birds covered by the 1980 ICBP petition, and the Service also possesses sufficient data to support the listing of the other 2 African birds. With respect to the other birds included in the two petitions, data are available from several sources, some of which are unpublished. Compilation of these data is in progress, and a listing proposal will be completed as soon as allowed by the Service's other listing responsibilities.

Considering the above, the Service made the finding that the action requested by the ICBP 1980 and 1991 petitions, with respect to the 30 African birds named below in the "Summary of Factors Affecting the Species," is warranted, and that the action requested by the 1991 petition, with respect to the 38 remaining species covered therein, is warranted but precluded by other listing activity. That finding was incorporated and published together with a proposal in the **Federal Register** of March 28, 1994 (59 FR 14496-14502), to add the 30 birds named below to the List of Endangered and Threatened Wildlife.

Summary of Comments and Recommendations

In the proposed rule of March 28, 1994, and associated notifications, all interested parties were requested to

submit information that might contribute to development of a final rule. Cables were sent to United States embassies in countries within the ranges of the subject species, requesting new data and the comments of the governments of those countries. None of the 13 responses opposed the proposal; substantive information provided has been added to the following discussion (as "in litt."). There was one request for classifying the dappled mountain robin and Van Dam's vanga as endangered, rather than threatened as originally proposed. While such a measure will be given future consideration, immediately available scientific data suggest that the threatened category is appropriate. In contrast, data received on the white-breasted guineafowl, originally proposed as endangered, indicate that a threatened classification may more accurately describe its status, and such is now applied.

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 following five factors described in Section 4(a)(1): (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; and (E) other natural or manmade factors affecting its continued existence. The application of these factors to the 30 African species named below is shown by the appropriate letter in parentheses (information from Collar and Andrew 1988, Collar and Stuart 1985, and Grzimek 1975, unless otherwise noted). Also indicated is the date of the petition covering each species, the classification given in pertinent ICBP Red Data Books, and the U.S. classification that now will apply.

Amsterdam albatross (*Diomedea amsterdamensis*).—1991 petition, ICBP endangered, U.S. endangered; a large sea bird of the family Diomedidae; known to breed only on Amsterdam Island, a French possession in the southern Indian Ocean. Destruction of nesting habitat by fires and introduced cattle (A) and predation by introduced rats and cats (C) have reduced numbers drastically. On the average only five

pairs were known to breed each year during the early 1980s.

Thyolo alethe (*Alethe choloensis*).—1991 petition, ICBP endangered, U.S. endangered; a small, ground-dwelling bird of the family Muscicapidae, related to the Old World robins and thrushes; known only from 13 small patches of submontane evergreen forest in southern Malawi and from 2 such areas in northern Mozambique. Suitable habitat already has been largely destroyed through human clearing and encroachment and remaining sites are at risk of destruction (A). About 1,500 pairs are estimated to survive.

Uluguru bush-shrike (*Malaconotus alius*).—1980 petition, ICBP rare, U.S. threatened; a small predatory bird of the family Laniidae, resembling the true shrikes in structure but utilizing more densely vegetated habitat and dwelling in the forest canopy; known only from the Uluguru Mountains in central Tanzania. Because of its dense forest habitat and evident low numbers, this bird has been difficult to locate and little is known of its status. However, the lower slopes of the mountains on which it lives are being steadily cleared and such activity places the species at risk (A).

Seychelles turtle dove (*Streptopelia picturata rostrata*).—1980 petition, ICBP endangered, U.S. endangered; a member of the family Columbidae, somewhat smaller than the domestic pigeon (*Columba domestica*) and generally dark grayish purple in color (Goodwin 1977); formerly found throughout Seychelles, an island nation off eastern Africa. This subspecies declined through hybridization with the related and more adaptable *S. p. picturata*, which was introduced from Madagascar in the mid-19th century (E). *S. p. rostrata* had become very rare by 1965 and pure individuals may have nearly vanished by 1975 (King 1981). However, according to Dr. Mike Rands, who operates the ICBP Seychelles program, and Ms. Alison Stattersfield (letter of November 11, 1993), also of the ICBP and who recently visited Seychelles, the subspecies *rostrata* does survive and is morphologically distinctive, at least on Cousin Island, though some hybridization probably has occurred. Therefore, even if genetically pure populations of this turtle dove no longer exist—which itself is not yet known with certainty—there are groups that could potentially be salvageable for captive breeding experiments and eventual efforts at restoration of a wild population with the predominant original morphological, behavioral, and ecological characters of the subspecies.

Madagascar sea eagle (*Haliaeetus vociferoides*).—1980 petition, ICBP endangered, U.S. endangered; a fish-hunting species of the family Accipitridae, related to and somewhat smaller than the American bald eagle; confined to the rivers, shorelines, and offshore islands of the west coast of central to northern Madagascar. Its numbers have dropped sharply since the last century, with only 96 individuals being counted during the mid-1980s. Although reasons for the decline are unclear, hunting and nest destruction by people (B) are thought to be partly responsible.

Madagascar serpent eagle (*Eutriorchis astur*).—1980 petition, ICBP endangered, U.S. endangered; a raptor of the family Accipitridae, more closely related to the harrier hawks than to most other eagles; until recently, known only from 11 specimens collected over 50 years ago in the eastern forests of Madagascar. In 1988 an individual was observed and in 1990 a dead specimen was recovered, both in northeastern Madagascar (Raxworthy and Colston 1992). On January 14, 1994, a live bird was captured and released (Peregrine Fund, World Center for Birds of Prey, Press Release of April 6, 1994). Thus, the species is known to survive, but it is apparently dependent on large tracts of undisturbed primary rainforest, and such habitat is rapidly being destroyed or adversely modified by human activity (A).

Mauritius fody (*Foudia rubra*).—1980 petition, ICBP endangered, U.S. endangered; a small weaver of the family Ploceidae, feeding on insects, nectar and small fruits; formerly widespread in the upland forests of the island of Mauritius, a part of the nation of the same name in the Indian Ocean. It now is restricted to the southwestern part of Mauritius, where perhaps only 150 breeding pairs survive. More than half of the population had been wiped out in 1973–1974 during a large-scale forest clearing project (A). The remaining birds are subject to intensive nest predation from rats, macaques, and other introduced animals (C).

Rodrigues fody (*Foudia flavicans*).—1980 petition, ICBP endangered, U.S. endangered; another small insectivorous weaver of the family Ploceidae; occurs only on the island of Rodrigues, a part of Mauritius in the Indian Ocean. Formerly abundant in a variety of habitats on the island, by 1983 only about 100 individuals survived in remnant patches of evergreen forest. The main problem appears to be competition with the related Madagascar fody (*Foudia madagascariensis*), which was introduced by people and which

evidently has adapted better to all habitats except mature forest (E). Since the latter habitat has been largely destroyed by human activity, the range of *F. flavicans* has been greatly reduced (A). In addition, the species is threatened by predation from introduced rats (C) and by the effects of cyclones (E).

Djibouti francolin (*Francolinus ochropectus*).—1991 petition, ICBP endangered, U.S. endangered; a ground-dwelling, partridge-like bird of the family Phasianidae; restricted to highland forest in the country of Djibouti in northeastern Africa. Its restricted habitat is rapidly being destroyed by overgrazing, clearing, and other human activity (A). The total population is thought to have declined from over 5,000 birds in 1978 to fewer than 1,000 today (Dr. Simon D. Dowell, Chairman, ICBP Partridge, Quail and Francolin Specialist Group, in litt.).

Alaotra grebe (*Tachybaptus rufolavatus*).—1991 petition, ICBP endangered, U.S. endangered; a small diving bird of the family Podicipedidae; known primarily from Lake Alaotra and adjacent marshes in northeastern Madagascar. Human alteration of the limited habitat of the Alaotra grebe (A), especially the introduction of exotic fish, resulted in a great increase there of the much more widespread little grebe (*Tachybaptus ruficollis*) and to extensive hybridization between the two species (E). It appears that the resulting genetic introgression of the Alaotra grebe may be irreversible.

White-breasted guineafowl (*Agelastes meleagrides*).—1991 petition, ICBP endangered, U.S. threatened; a medium-sized ground-dwelling bird of the family Numididae, related to turkeys and peacocks; originally occurred throughout the rainforest zone from Sierra Leone to Ghana. This species evidently is dependent on primary forest and is unable to survive in the dense undergrowth of secondary forest. It has disappeared from most of its range, mainly because of timber exploitation (A). It also has been severely affected by human hunting pressure (B). About 50,000 individuals may survive, but these are concentrated at only two restricted sites, Tai National Park in Ivory Coast, with 30,000–40,000, and the Gola Forest of Sierra Leone, with an estimated 7,100 (Dr. Simon D. Dowell, Chairman, ICBP Partridge, Quail and Francolin Specialist Group, in litt.).

Raso lark (*Alauda razae*).—1991 petition, ICBP endangered, U.S. endangered; a songbird of the family Alaudidae, closely related to the common Old World skylark; known only from

Raso, one of the islands in the nation of Cape Verde off the west coast of Africa. This species was once common and widespread on Raso but declined drastically because of a severe drought in the 1960s (E). The population may have fallen to only about 20 individuals in 1981. Numbers subsequently increased, but the species is potentially threatened by climatic fluctuations (E), human settlement (A), and predation by introduced rats, dogs, and cats (C). Approximately 250 breeding pairs are now present (Cape Verde Wildlife Agency, in litt.).

Ibadan malimbe (*Malimbus ibadanensis*).—1991 petition, ICBP endangered, U.S. endangered; another small weaver of the family Ploceidae, about the size of a house sparrow and with red markings; known only from southwestern Nigeria. The restricted range of this species is subject to intensive forest clearing (A). Although considered common when it was first discovered in 1951, it subsequently became very rare and prospects for survival are not favorable.

Algerian nuthatch (*Sitta ledanti*).—1980 petition, ICBP rare, U.S. endangered; a member of the family Sittidae, about the size of a house sparrow but with a compact build, a long beak, and grayish coloration; known only from Mount Babor in northern Algeria. Discovered in 1975, this small arboreal species is dependent on forest habitat, including standing dead wood for nesting. Such habitat is being reduced by lumbering, fire, grazing of domestic livestock, and removal of dead wood for forestry management (A). About 80 pairs were estimated to survive in 1982. A recent survey found about 20 nests in each of three different areas (Algerian Agence Pour La Protection de la Nature, in litt.).

Canarian black oystercatcher (*Haematopus meadewaldoi*).—1980 petition, ICBP extinct, U.S. endangered; a shore bird of the family Haematopodidae, somewhat like a rail but with much stouter bill and legs, generally black plumage; known with certainty only from the eastern Canary Islands, a Spanish possession off northwestern Africa. This species seems always to have been uncommon and there have been no definite records since about 1913, though it was reported regularly in the eastern Canaries until about 1940. It may have disappeared because of human disruption of its limited habitat and harvesting of the mollusks on which it fed (A), and because of predation by introduced cats and rats (C). Four apparently genuine reports of black oystercatchers—two on Tenerife in the western Canaries and

two on the coast of Senegal in West Africa—were made from 1968 to 1981, and give hope that the species still exists. The species is being included in this rule based on the recent reports and on the reasonable prospect of rediscovery. Rare and elusive species are routinely found alive after years, decades, or even centuries of presumed extinction. Indeed, rediscovery of two of the other birds covered by this proposal—the Madagascar serpent-eagle and the Madagascar pochard—was announced while the proposal was being drafted. The October 1993 issue of the journal *Oryx* contains announcements that three species—a bird, a mammal, and a reptile—none of which had been seen for at least 30 years, had all been found alive. The U.S. List of Endangered and Threatened Wildlife already includes many such rediscovered species. Examples are the parma wallaby (*Macropus parma*), which was thought extinct for 33 years; the dibbler (*Antechinus apicalis*), which was thought extinct for 83 years; and the mountain pygmy possum (*Burramys parvus*), which was thought to have disappeared many thousands of years ago in the Ice Age.

Seychelles lesser vasa parrot (*Coracopsis nigra barklyi*).—1980 petition, ICBP endangered, U.S. endangered; a member of the family Psittacidae, generally dark brown in color and about 25 centimeters (10 inches) long; known only from Praslin, one of the islands in Seychelles, a nation off the east coast of Africa. Originally common on the island, this species declined rapidly in the mid-20th century as its palm forest habitat was destroyed by human cutting and burning (A). The one remaining population was estimated to number about 30 to 50 individuals in 1965, though it subsequently may have increased to about 100 after efforts were made to protect it and its remaining habitat (King 1981, Silva 1989).

Madeira petrel or freira (*Pterodroma madeira*).—1991 petition, ICBP endangered, U.S. endangered; a small sea bird of the family Procellariidae (petrels and shearwaters); known to breed only in the mountains of Madeira, an island possession of Portugal in the Atlantic Ocean. It has declined because of human bird and egg collectors (B), predation by introduced rats (C), and possibly natural climatic changes (E). Only 20 breeding pairs may survive.

Mascarene black petrel (*Pterodroma aterrima*).—1980 petition, ICBP endangered, U.S. endangered; a small sea bird of the family Procellariidae; originally found on the islands of Reunion and Rodrigues, which are parts

of Mauritius in the Indian Ocean. It seems to have disappeared from Rodrigues by the 18th century and to have become extremely rare on Reunion. Reasons for the decline are not precisely known, but may involve human hunting (B) and predation by introduced rats and cats (C).

Pink pigeon (*Columba (=Nesoenas) mayeri*).—1980 petition, ICBP endangered, U.S. endangered; a member of the family Columbidae, about the size of the domestic pigeon (*Columba domestica*), but with shorter and more rounded wings and generally pink in color (Goodwin 1977); known only from southwestern Mauritius in the Indian Ocean. This species has declined because of the clearing of its native forest habitat by people (A), human hunting for use as food (B), and predation by introduced rats and macaques (C). Remnant populations also became more vulnerable to the effects of cyclones and natural food shortages (E). The pink pigeon already was rare by the 1830s and currently the single known wild group contains only about 20 birds. Larger numbers exist in captivity.

White-tailed laurel pigeon (*Columba junoniae*).—1980 petition, ICBP rare, U.S. threatened; a large member of the family Columbidae, closely related to the common Old World wood pigeon (*Columba palumbus*); known only from the Canary Islands, a Spanish possession off northwestern Africa. Early reports suggest that this species may once have occurred throughout the Canaries, though it is known with certainty only from the western islands of Tenerife, La Palma, and Gomera. It now is relatively common only on parts of La Palma. Elsewhere it has disappeared or declined in conjunction with human destruction of the endemic Canarian laurel forests (A). Some of the remnant populations appear to be stable, following legal measures to protect them and their forest habitat.

Madagascar pochard (*Aythya innotata*).—1991 petition, ICBP endangered, U.S. endangered; a diving duck of the family Anatidae; apparently confined to freshwater lakes and pools in the northern central plateau of Madagascar. Although still common around 1930, this species subsequently declined drastically because of large-scale hunting by people (B). It may also have been adversely affected by the introduction of exotic fish and accidental capture by people netting the fish (E). It probably is on the brink of extinction; there had been no definite records since 1970, but in August 1991 a specimen was captured alive and placed in the Botanical Garden at Antananarivo (*Oryx*, April 1992, 26:73).

Dappled mountain robin (*Arcanator (=Modulatrix) orostruthus*).—1980 petition, ICBP rare, U.S. threatened; a thrush of the family Muscicapidae; occurs in three isolated patches of montane forest, one in northern Mozambique and two in eastern Tanzania. Much of the rainforest habitat on which the species depends has been cleared for agricultural purposes (A). The population in Mozambique has not been recorded since 1932. The other two populations may number in the hundreds or low thousands.

Marungu sunbird (*Nectarinia prigoginei*).—1991 petition, ICBP endangered, U.S. endangered; a nectar-feeding bird of the family Nectarinidae, characterized by small size and a long bill, somewhat comparable to the hummingbirds superficially; known only from the Marungu Highlands of southeastern Zaire. The remnant riparian forest on which this species probably depends now covers only a small part of the Marungu Highlands and is under severe pressure from logging and from the erosion of stream banks caused by the overgrazing of cattle (A).

Taita thrush (*Turdus olivaceus helleri*).—1991 petition, ICBP endangered, U.S. endangered; a dark-colored, ground-dwelling member of the family Muscicapidae; apparently confined to highlands in southeastern Kenya. This subspecies (formerly considered the full species *Turdus helleri*) occurs at low density and depends on limited forest habitat. Such areas now have been mostly cleared for agricultural purposes or to obtain firewood (A). The only relatively well-known population occupies an area of about 3 square kilometers (1.2 square miles) and may contain several hundred individuals.

Bannerman's turaco (*Tauraco bannermani*).—1991 petition, ICBP endangered, U.S. endangered; a frugivorous parrot of the family Musophagidae, characterized by a generally greenish color and a conspicuous crest; known only from the Bamenda-Banso Highlands in western Cameroon. The montane forest habitat of this species is being rapidly cleared as a result of cultivation, overgrazing by domestic livestock, wood-cutting, and fires (A). An estimated 800–1,200 pairs may survive (Dr. C. R. McKay, Ijim Mountain Forest Project, Bamenda, Cameroon, in litt.).

Pollen's vanga (*Xenopirostris pollenii*).—1980 petition, ICBP rare, U.S. threatened; a predatory bird of the endemic Malagasy family Vangidae, somewhat similar to the shrikes; occurs in the rainforests of eastern Madagascar.

Although still widely distributed, this species has declined and become rare as its forest habitat has been destroyed and modified by people (A).

Van Dam's vanga (*Xenopirostris damii*).—1980 petition, ICBP rare, U.S. threatened; another member of the Vangidae; occurs in northwestern Madagascar. Because of deforestation this species appears to have become restricted to a single area of primary deciduous forest at Ankarafantsika (A). However, that area is currently protected and the bird reportedly is present there in fairly good numbers.

Aldabra warbler (*Nesillas alabranus*).—1991 petition, ICBP endangered, U.S. endangered; a small song bird of the family Muscicapidae; restricted to a small part of Aldabra, one of the islands of Seychelles, a nation off the east coast of Africa. The ICBP refers to this warbler as the "rarest, most restricted and most highly threatened species of bird in the world." Discovered only in 1967, it seems to have been confined to an area of approximately 10 hectares (25 acres) of coastal vegetation on Aldabra. This habitat is being destroyed by introduced goats and rats (A), and the latter also prey on nests (C).

Banded wattle-eye (*Platysteira laticincta*).—1991 petition, ICBP endangered, U.S. endangered; a small flycatcher of the family Muscicapidae, characterized by pale plumage and a wattle of bare red skin above the eye; known only from the Bamenda Highlands in western Cameroon. Although this species is considered reasonably common in the remnant montane forests on which it depends, such habitat is being rapidly cleared and fragmented as a result of cultivation, overgrazing by domestic livestock, wood-cutting, and fires (A). An estimated 800–1,200 pairs may survive (Dr. C. R. McKay, Ijim Mountain Forest Project, Bamenda, Cameroon, in litt.).

Clarke's weaver (*Ploceus golandi*).—1991 petition, ICBP endangered, U.S. endangered; a member of the family Ploceidae; known only from a small forested area between Kilifi Creek and the Sabaki River on the southeastern coast of Kenya. Numbers have been estimated at 1,000 to 2,000 pairs, but are declining because of excessive logging (A). At present rates of destruction, all favorable habitat could be eliminated within about 15 years. Even though a portion of the habitat is legally protected, enforcement has not been effective (D).

The decision to add the above 30 kinds of African birds to the List of Endangered and Threatened Wildlife was based on an assessment of the best

available scientific information, and of past, present, and probable future threats to these birds. All have suffered substantial losses in habitat and/or numbers in recent years and are vulnerable to human exploitation and disturbance. If conservation measures are not implemented, further declines are likely to occur, increasing the danger of extinction for these birds. Critical habitat is not being determined, as such designation is not applicable to foreign species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to the Act include recognition and, for those under United States jurisdiction, 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 listed as endangered or threatened and with respect to its 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 within the United States or on the high seas may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No such activities are currently known with respect to the species covered by this rule.

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 endangered and threatened wildlife. These prohibitions, in part, make it illegal for any person

subject to the jurisdiction of the United States to take within the United States or on the high seas, 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 endangered or 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 endangered and 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. For threatened species, there also are permits available for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

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).

Literature Cited

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Raxworthy, C.J., and P.R. Colston. 1992. Conclusive evidence for the continuing existence of the Madagascar serpent-eagle *Eutriorchis astur*. Bulletin of the British Ornithological Club 112(2):108-111.

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Author: The primary author of this rule is Ronald M. Nowak, U.S. Fish and Wildlife Service (OSA), Washington, D.C. 20240 (phone 703-358-1708).

List of Subjects in 50 CFR Part 17

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

Regulations Promulgation

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

PART 17—[AMENDED]

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

§ 17.11 Endangered and threatened wildlife.

- * * * * *
- (h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	*
BIRDS							
*	*	*	*	*	*	*	*
Albatross, Amsterdam.	<i>Diomedea amsterdamensis.</i>	Indian Ocean—Amsterdam Island.	Entire	E	571	NA	NA
*	*	*	*	*	*	*	*
Alethe, Thyolo (thrush).	<i>Alethe choloensis</i> ...	Malawi, Mozambique.	Entire	E	571	NA	NA
*	*	*	*	*	*	*	*
Bush-shrike, Uluguru	<i>Malaconotus alius</i> ..	Tanzania	Entire	T	571	NA	NA
*	*	*	*	*	*	*	*
Dove, Seychelles turtle.	<i>Streptopelia picturata rostrata.</i>	Indian Ocean—Seychelles.	Entire	E	571	NA	NA
*	*	*	*	*	*	*	*
Eagle, Madagascar sea.	<i>Haliaeetus vociferoides.</i>	Madagascar	Entire	E	571	NA	NA
*	*	*	*	*	*	*	*
Eagle, Madagascar serpent.	<i>Eutriorchis astur</i>	Madagsacar	Entire	E	571	NA	NA
*	*	*	*	*	*	*	*
Fody, Mauritis	<i>Foudia rubra</i>	Indian Ocean—Mauritius.	Entire	E	571	NA	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* Fody, Rodrigues	* <i>Foudia flavicans</i>	* Indian Ocean—Mauritius (Rodrigues Island).	* Entire	* E	* 571	* NA	* NA
* Francolin, Djibouti ...	* <i>Francolinus ochropectus</i> .	* Djibouti	* Entire	* E	* 571	* NA	* NA
* Grebe, Alaotra	* <i>Tachybaptus rufolavatus</i> .	* Madagascar	* Entire	* E	* 571	* NA	* NA
* Guineafowl, white-breasted.	* <i>Agelastes meleagrides</i> .	* West Africa	* Entire	* T	* 571	* NA	* NA
* Lark, Raso	* <i>Alauda razae</i>	* Atlantic Ocean—Cape Verde (Raso Island).	* Entire	* E	* 571	* NA	* NA
* Malimbe, Ibadan (weaver finch).	* <i>Malimbus ibadanensis</i> .	* Nigeria	* Entire	* E	* 571	* NA	* NA
* Nuthatch, Algerian ...	* <i>Sitta ledanti</i>	* Algeria	* Entire	* E	* 571	* NA	* NA
* Oystercatcher, Canarian black.	* <i>Haematopus meadewaldoi</i> .	* Atlantic Ocean—Canary Islands.	* Entire	* E	* 571	* NA	* NA
* Parrot, Seychelles lesser vasa.	* <i>Coracopsis nigra barklyi</i> .	* Indian Ocean—Seychelles (Praslin Island).	* Entire	* E	* 571	* NA	* NA
* Petrel, Madeira (=freira).	* <i>Pterodroma madeira</i>	* Atlantic Ocean—Madeira Island.	* Entire	* E	* 571	* NA	* NA
* Petrel, Mascarene black.	* <i>Pterodroma aterrima</i> .	* Indian Ocean—Mauritius (Reunion Island).	* Entire	* E	* 571	* NA	* NA
* Pigeon, pink	* <i>Columba (=Nesoenas) mayeri</i> .	* Indian Ocean—Mauritius.	* Entire	* E	* 571	* NA	* NA
* Pigeon, White-tailed laurel.	* <i>Columba junoniae</i> ..	* Atlantic Ocean—Canary Islands.	* Entire	* T	* 571	* NA	* NA
* Pochard, Madagascar.	* <i>Aythya innotata</i>	* Madagascar	* Entire	* E	* 571	* NA	* NA
* Robin, dappled mountain.	* <i>Arcanator (=Modulatrix) orostruthus</i> .	* Mozambique, Tanzania.	* Entire	* T	* 571	* NA	* NA
* Sunbird, Marungu	* <i>Nectarinia prigoginei</i>	* Zaire	* Entire	* E	* 571	* NA	* NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* Thrush, Taita	* <i>Turdus olivaceus helleri</i> .	* Kenya	* Entire	* E	* 571	* NA	* NA
* Turaco, Bannerman's.	* <i>Tauraco bannermani</i> .	* Cameroon	* Entire	* E	* 571	* NA	* NA
* Vanga, Pollen's	* <i>Xenopirostris polleni</i>	* Madagascar	* Entire	* T	* 571	* NA	* NA
* Vanga, Van Dam's ..	* <i>Xenopirostris damii</i> .	* Madagascar	* Entire	* T	* 571	* NA	* NA
* Warbler (Old World), Aldabra.	* <i>Nesillas aldabranus</i>	* Indian Ocean— Seychelles (Aldabra Island).	* Entire	* E	* 571	* NA	* NA
* Wattle-eye, banded .	* <i>Platysteira laticincta</i>	* Cameroon	* Entire	* E	* 571	* NA	* NA
* Weaver, Clarke's	* <i>Ploceus golandi</i>	* Kenya	* Entire	* E	* 571	* NA	* NA
*	*	*	*	*	*	*	*

Dated: December 12, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95-832 Filed 1-11-95; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[I.D. 010395A]

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Notification of commercial quota transfer.

SUMMARY: NMFS announces that the State of Maryland is transferring 50,000 lb (22,680 kg) of commercial summer flounder quota to the State of New York. NMFS announces the adjustment of these states' quotas.

EFFECTIVE DATE: December 30, 1994.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, 508-281-9101.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) are found at 50 CFR part 625. The

regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process used to set the annual commercial quota, adjust for overages, and the percent allocated to each state is described in § 625.20.

Transfers of commercial quota are authorized under Amendment 5 to the FMP (58 FR 65936, December 17, 1993) which allows two or more states, under mutual agreement and with the concurrence of the Director, Northeast Region, NMFS, (Regional Director) to transfer or combine summer flounder commercial quota. The Regional Director is required to consider the criteria set forth in § 625.20(f)(1) in the evaluation of requests for quota transfers or combinations.

The Regional Director is further required to publish notification in the **Federal Register** advising a state, and notifying Federal vessel permit and dealer permit holders, that effective upon a specific date, a portion of a state's commercial quota has been transferred to or combined with the commercial quota of another state.

The States of Maryland and New York have mutually agreed to transfer 50,000 lb (22,680 kg) of 1994 commercial quota from Maryland to New York, and the Regional Director has concurred.

The Regional Director has determined that the criteria set forth in § 625.20(f) have been met, and publishes this

notification of quota transfer. This action revises the quotas for the calendar year 1994.

Classification

This action is taken under 50 CFR part 625 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 6, 1995.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94-796 Filed 1-11-94; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Parts 672 and 675

[Docket No. 900833-1095; I.D. 010395B]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the First Half of 1995

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Pacific halibut and red king crab bycatch rate standards; request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the first half of 1995.