

Alaska Department of Fish and Game

Wednesday
September 26, 1979

Part VIII

Endangered Species Scientific Authority

Bobcat, Lynx, River Otter, Alaskan Brown
Bear, and Alaskan Gray Wolf; Export
Findings 1979-80 Season

ENDANGERED SPECIES SCIENTIFIC AUTHORITY**50 CFR Part 810****Export of Appendix II Species: Bobcat, Lynx, River Otter, Alaskan Brown Bear, and Alaskan Gray Wolf—Export Findings for the 1979-80 Season**

AGENCY: Endangered Species Scientific Authority.

ACTION: Final rulemaking.

SUMMARY: On July 12, 1979 and September 7, 1979, (44 FR 40841 and 44 FR 52289), the Endangered Species Scientific Authority (ESSA) proposed findings on a state-by-state basis as to whether commercial export of bobcat, lynx, and river otter taken in 1979-80 will not be detrimental to the survival of those species; and proposed findings for each of these species as to whether such export will not be detrimental to the survival of similar species protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Both findings must be positive before export can be allowed. Findings for export of brown bear and gray wolf from Alaska were proposed relative only to whether export will not be detrimental to other populations of the same species. These findings are meant to satisfy ESSA's responsibilities under Article IV, paragraph 2 of the CITES. These proposals were preceded by an advanced notice of proposed rulemaking published in the April 30, 1979 *Federal Register* (44 FR 25383). The ESSA has received substantial comment on the proposal, primarily in the form of state reports in support of no detriment findings. The ESSA hereby establishes final export findings for this season. Federal export permits may be issued only for pelts that were harvested in states for which the U.S. Fish and Wildlife Service, serving as the U.S. Management Authority for the CITES (MA), is satisfied the state programs assure that the pelts to be exported will be legally obtained and tagged, and for which the ESSA has made positive findings as described above.

EFFECTIVE DATE: September 26, 1979.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240. Forthcoming comments and comments already received will be available for public inspection at 1717 H Street, N.W., Washington, D.C., Room 536, 7:45 a.m. to

5:30 p.m., Mondays through Fridays except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

For information concerning biological findings by the ESSA contact: Dr. Peter C. Escherich, Staff Zoologist, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240 (202/653-5948).

For information concerning findings by the Management Authority and state tagging programs contact: Ronald Singer, Staff Biologist, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2418).

For information concerning Federal Export Permits contact: Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

Supplementary Information

The CITES and its implementing regulations, 50 CFR Part 23, control international trade in animal and plant species, subspecies or geographically separate populations included in any of three CITES Appendices. A list of species included in the appendices can be found at 50 CFR 23.23. Currently, 54 nations are party to the CITES. The CITES is implemented in each Party country by one or more scientific authorities and one or more management authorities. The CITES appendices are distinct from the list of species issued under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., 50 CFR 17.11.

All five species discussed in this notice are included in Appendix II. According to Article II, paragraph 2 of the CITES, Appendix II is to include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival, and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

Although the CITES provides for the inclusion of species in Appendix II for two distinct purposes, Parties proposing additions in the past usually have not clearly identified the purpose of listing in their original proposals or in other supporting documents. At the second meeting of the Conference of the Parties (held in San Jose, Costa Rica in March 1979), the Parties recommended "that proposals for additions to Appendix II should make it clear whenever possible whether the proposal is made under

Article II 2(a) or Article II 2(b) . . ." (Com. 2.13, also see Com. 2.12). This recommendation is intended to clarify the responsibility of the Parties' scientific authorities in making findings on applications to export or to import specimens of species protected by the CITES.

As discussed in our notice of April 30, 1979 (44 FR 25383), the MA may grant an export permit for a specimen of an Appendix II species only after the ESSA has found that the export "will not be detrimental to the survival of that species" (Article IV 2(a)). For specimens of species included in Appendix II under Article II 2(a), because of potential threat to their own survival, we are addressing the potential effect of exports on the listed species itself; for species included in Appendix II under Article II 2(b), to protect other species, we are addressing how such exports may affect the status of the species intended to be protected: those associated species included in Appendix II under Article II 2(a), or included in Appendix I.

In certain cases it may be necessary to include a species in Appendix II both because it may become threatened with extinction and because its trade must be regulated to effectively control trade in other species included because of biological jeopardy. In such cases the ESSA is making two findings on detriment, one with respect to Article II 2(a) and the other with respect to Article II 2(b).

In the notice of April 30 (44 FR 25383) and July 12, 1979 (44 FR 40841), the ESSA described the rationale for treatment of the bobcat, lynx, and river otter as having been included in Appendix II under both Article II 2(a) and Article II 2(b). As cited in those notices, both the Berne criteria for addition (Conf. 1.1, 5.11.1976) and the original statements for addition of the Felidae and Lutrinae to Appendix II support such an approach. Thus, the ESSA is establishing findings for these species both on whether export is not detrimental to the survival of the indicated species and whether export is not detrimental to other species of cats and otters.

At the second meeting of the Conference of the Parties, the Parties agreed that the Alaskan and Canadian populations of brown bear, *Ursus arctos*, and wolf, *Canis lupus*, were to be treated as being included in Appendix II under Article II 2(b). These agreements became effective on June 28, and the ESSA limits its review of export of Alaskan brown bear and gray wolf to findings made with respect to Article II 2(b). When reviewing proposals to

export these Alaskan specimens, the ESSA only considers and only makes a finding on the probable impact that export of specimens from Alaska will have on the status of other populations of the same species.

Guidelines for ESSA Findings on Export

Article II 2(a)

For the bobcat, lynx, and river otter, the ESSA published guidelines in the April 10, 1978, *Federal Register* (43 FR 15097), and further amplified and discussed these guidelines on July 7, 1978 (43 FR 29469). These guidelines were originally developed for the 1978-79 season, but are considered equally applicable to the 1979-80 season (see 44 FR 25383, April 30, 1979, and 44 FR 40841, July 12, 1979).

These guidelines depend on analysis of both biological information and management programs adopted by the states. A Working Group on these species recommended the following minimum requirements for these (see 43 FR 11081, March 16, 1978):

Minimum Requirements for Biological Information

1. Population trend information * * * the method of determination to be a matter of state choice.
2. Information on total harvest of the species.
3. Information on distribution of harvest.
4. Habitat evaluation.

Minimum Requirements for a Management Program

1. There should be a controlled harvest * * * methods and seasons to be a matter of state choice.
2. All pelts should be registered and marked.
3. Harvest level objective should be determined annually.

As in previous years, not all states meet every one of the requirements, which were considered as minimums by the Working Group. The ESSA has approved export in the past from states when it considered that other information would provide a reasonable basis for a finding of no detriment. This was done with the understanding that early stages of research and progress toward improved management might be inhibited or made more difficult were no export allowed at all. The progress in both these areas over the past two years has been encouraging, and we wish to recognize the efforts made by the states. Many of these changes are recorded in our tables of findings for last year and in the present findings.

There remains only one state, New Mexico, in which the wildlife

department has not been granted regulatory authority over the bobcat, although the species was either unregulated or bountied in a large proportion of the states only a few years ago. In New Mexico, a substantial effort has been made to assess the status of that species and has demonstrated to the ESSA that export subject to a quota in 1979-80 will not be detrimental to the survival of the species in that state.

In some cases, rigorous historical data may be irretrievably lost, but intensive efforts are currently being made to improve the states' information both on populations and harvests, and other information may provide reasonable assurances that export will not be detrimental. Such assurances are further strengthened by states' actions in providing new controls on harvest and sale where these have been less rigorous in the past and where current conditions call for such changes. Thus, the ESSA can find export will not be detrimental to the survival of the species for this season, but anticipates further improvement as the results of new research and management initiatives become more apparent.

Application of these guidelines to brown bear and gray wolf from Alaska is not discussed because these populations are considered to have been included in Appendix II under Article II 2(b) only (see 44 FR 25480, May 1, 1979, and 44 FR 9689, February 14, 1979), and thus only a finding relative to that article is required of the ESSA.

Article II 2(b)

These findings under Article II 2(b) address the question of potential detriment to other associated species. As described in more detail in the April 30, 1979, *Federal Register* (44 FR 25383), we are addressing two major concerns: (1) that specimens of the exported species are sufficiently distinguishable from specimens of the similar species protected by the CITES to prevent a detrimental confusion in trade, and (2) that trade in the species concerned does not stimulate trade in similar protected species which would be detrimental to those species. Because the CITES defines "species" to include "any species, subspecies, or geographically separate population thereof" (Article I(a)), important units to consider are other populations or subspecies of the species under consideration as well as related species which are particularly difficult to distinguish. Each of the five species under consideration here has similar relatives in one or both of these categories which are included in the appendices, and which are the basis for

the inclusion of the present species under Article II 2(b).

Summary of General Comments

As in the past, the majority of comments have been from state wildlife agencies supplying updated information on status and management and research programs. These comments are summarized in the tables and discussions of findings for each species contained in the present notice, the proposal (July 12, 1979, 44 FR 40841) and supplemental proposal (Sept. 7, 1979, 44 FR 52289). Seven states provided additional comments which are not reflected in the tables.

Maine indicated that reporting is also required for hunters, so the "How Reported" column of the table should also contain an "HR" as well as a "TR." They also identified a study to be initiated which will compare bobcat and coyote prey, interactions, and densities in that state. California indicated that their "recent changes and comments" section would be clarified by a rewording of the second sentence to read "All pelts held must be tagged and data on specimens turned in." Massachusetts confirmed their previous plans of requiring mandatory turn-in of bobcat carcasses, and provided dealer report numbers of 121 otters and 23 bobcats. Age structures now calculated indicate no change in average age of otters taken since the previous season. An apparent decrease in age of bobcats taken relies on such small samples (15 and 7) that it cannot be considered statistically meaningful.

Florida, Alaska, and Louisiana expressed concern over the ESSA's making findings relative to Article II 2(b). These comments largely reflect more extensive comments made by Florida, Louisiana and other states relative to ESSA findings on American alligator exports and their potential effects on other crocodilian species. In the ESSA's final findings regarding export of American alligator, to be issued this month, the question of this authority is discussed extensively, and will not be repeated here. Further discussion of actual findings made relative to Article II 2(b) for these species will be found below in that section of this notice.

Louisiana also suggested that additional "Consequences of no [export]" (in the Environmental Assessment section of the July 12 proposal) should include impacts on the fur industry, impact on other species which trappers may switch to, and reductions in incentives for habitat conservation. West Virginia disagreed with ESSA's statement in that section

that "to some extent, a decrease in harvest would result in increased population of these species." However, we have previously pointed out (43 FR 29173, July 7, 1978) that, according to the best available data for bobcat, most annual natural mortality may occur in the fall, before the trapping season, and that a model presuming harvest of a "fall surplus" is inappropriate for this species. Thus, although there are levels of harvest which can probably be sustained over long periods, substantial harvests may keep the population at some level below the maximum possible.

Louisiana also stated that mandatory tagging was less effective than their system of reporting through dealer audits. We recognize Louisiana's experience in this area, and note that the MA has approved their system for supplying export tags. On the other hand, we know of no other state with a comparable system. While some states have dealer reports which are apparently reliable, many others either have had no dealer reporting requirements or have had problems with low compliance with requirements and with sale of pelts to out-of-state or unlicensed dealers.

The Interior Alaska Trappers Association submitted a comment objecting to continued inclusion of lynx and river otter on the Appendices, although their status was reviewed by the MA in preparation for the CITES meeting of March, 1979, and the data found insufficient to warrant recommending removal (43 FR 55313, Nov. 27, 1978). They further object to federal controls on export of these species and on wolf and brown bear, although these are required by law.

Defenders of Wildlife submitted a lengthy comment urging the ESSA "to reconsider its proposed bobcat findings for the 1979-80 season in their entirety," and cite several aspects of the findings with which they disagree. They also suggested that the Management Authority has not established an adequate program for controlling trade, and that as a result no export should be allowed; we refer interested parties to the memorandum to the ESSA from the Wildlife Permit Office, quoted elsewhere in this notice, which describes their program and findings. Defenders characterized the ESSA's guidelines for export approval as inadequate and suggested additional areas in which they feel data should be required to properly evaluate "the species' role in the ecosystem", such as "current population levels and distribution of the species, its demographic characteristics, its

movement patterns, its food habits, and the relation between the Appendix II species and other species." The ESSA recognizes the value of such data in evaluating the species' role, but feels that given the information required in the guidelines, as well as the results of much other research available in these areas, that it may be unnecessary to require such specific information from everywhere in the species' range. As was done for last year's findings, the ESSA has approved export for some states where not all the guidelines are met rigorously, but only because we consider other information sufficient for a finding of no detriment. A single year's information cannot be taken alone, and previous material has been considered in making those findings, although the information used may not have been reprinted in this year's tables. In the July 12 proposal, all of the previous notices were referenced, with an indication that they "should be consulted for background data relevant to the current proposed findings."

Defenders' comments also raised again the issue of making findings based on subspecies rather than by state and referenced their comment on last year's proposals. An extensive discussion of the problems of that approach was published in last year's final rulemaking (43 FR 39305, September 1, 1978), and will not be repeated here in detail. Although the ESSA recognized the mandate to protect subspecies, our state-by-state approach provides a more precise and responsive mechanism than would findings based primarily on subspecies. In addition, bobcat subspecies are much more poorly defined than is apparent from Defenders' comment, adding weight to this conclusion. The current comment from Defenders cites California and Nevada as states with extensive range for more than one subspecies but which do not manage on a subspecies basis. Both, however, provide information which could allow them to manage on even more local bases than subspecies if necessary. Nevada is currently assessing bobcat harvest and status by individual mountain ranges, whereas California has harvest data from each of 58 counties, and is currently, or has recently conducted intensive research on bobcats within the distribution of each of its resident subspecies.

Defenders also objected to ESSA's procedure of not publishing proposals for all states simultaneously. The same procedure was followed last season without objection. The ESSA would prefer to present all proposals early in the summer, in order to give maximum

notice to all interested parties before the season, but a number of problems have prevented states from providing pertinent biological and management information earlier. These problems include state administrative procedures laws requiring set periods and review before new regulations can be effected, state laws with late dates for turn-in of harvest data by dealers or trappers, funding for data analysis which may not become available until a new fiscal year, and slow response rates to mail surveys or questionnaires. Thus, to provide maximum availability of proposals for comment, we have published material as it has become available. A small number of states are given export approval in this notice without a formal comment period.

Harvest season for these species generally begins in the fall of the year and some begin as early as October 1. State agencies must have some notice of ESSA findings on export before the season begins so that any conditions imposed on export may be fulfilled. Additionally, in a number of states, the practices of trappers and fur buyers are affected by the ESSA findings and it is important to provide them with notice of those findings before the season begins. Therefore, the ESSA finds it impractical to provide notice and opportunity for comment on findings approving export from states that have only recently been able to supply relevant information and for which export approval was not proposed. We note, however, that additional information presented to the ESSA concerning such findings will be considered in that findings may be modified as necessary. The ESSA also anticipates receiving state comments earlier in the season in subsequent years.

Defenders of Wildlife also submitted comments on the September 7 supplemental proposal (44 FR 52289). Much of their comment repeats concerns expressed in their previous comment, cited above. In addition, they objected specifically to approval of exports from certain states, basing their comments on restatements and recharacterizations of information selected from material previously summarized or discussed by the ESSA, but arriving at different conclusions. No new information is provided which alters the ESSA's proposed findings.

A comment from TRAFFIC(USA) and the IUCN/SSC Otter Specialist Group recognized the general improvement that has been made by states in their record-keeping. Concern was expressed over control and record-keeping at the ports, as well as concern at export of a

small number of pelts apparently from closed states. Prior to the request in the TRAFFIC/Otter Group letter, we had expressed our concern to the MA over export from closed states and have also provided all states with the MA's export statistics. Recommendations were made by the TRAFFIC/Otter Group that no exports be allowed from several specific states. For most of these, information lacking at the time of their review has now been received, problems cited have been corrected, or our information is contrary to that cited in their comment. Their comment indicates that two reports suggest a decline of otters in Arkansas. We have seen neither of these reports, so we are unable to assess their validity. We would be interested in receiving these, as well as comments on these by the Arkansas Game and Fish Commission. Suggestions were also made that all tagging be mandatory, that reproductive status be included in harvest reports, and that baseline population models be developed from untrapped populations to assess better the effect of trapping.

Three additional comments were received from individuals who requested that no export be allowed for one or more of the species considered here, but provided little substantive information or analysis.

Management Authority Findings

Before the MA may issue permits for foreign export of Appendix II species taken from the wild, the MA must be satisfied that specimens were not obtained in violation of State or federal law, and the ESSA must advise the MA that the export will not be detrimental to the survival of the species (CITES, Article IV, paragraph 2). Although this notice refers to ESSA "approval" of export, the term indicates that the ESSA has no objection to issuance of export permits by the MA and in no way suggests limitation of the authority of the MA to withhold permits on other grounds. Further, the MA, in issuing permits, provides the means by which ESSA conditions on export are met.

In a memorandum dated September 14, 1979, the Wildlife Permit Office, U.S. Fish and Wildlife Service, notified the ESSA of their review of state tagging systems for CITES-controlled species. Their review process was described as follows:

1979 Fur Export Program for CITES-Controlled Species

This is our final report on the Service's implementation of CITES requirements towards the 1979 export of controlled fur species.

Our review process included an analysis of each State's CITES-controlled species tagging program and how this program could satisfy the Service that tagged pelts were not obtained in violation of state law.

All involved States were contacted in June by mail and were asked to notify the WPO of their current tagging program as well as to provide us with samples of their 1979-80 tag(s) (sample letter #1 attached). States that received provisional approval for their 1978-79 export program were reminded that program compliance standards would have to be met to gain approval for 1979 export (sample letter #2 attached). Phone discussions were utilized to supplement the letters when additional information was required or clarification was needed.

Attachment #3 is a reporting form showing our review process for each State, our commentary, and our conclusion concerning the State's tagging program. In the near future, we intend to give each State a copy for its records and where necessary, to suggest improvements in individual State programs. A complete set will be sent to you [the ESSA] as well.

The attached chart (item #4) shows our review of the involved State's tagging programs as well as our conclusions concerning the export of CITES-controlled fur species for 1979-80.

Attachment #3 included a list of criteria against which each program was to be judged:

- (1) Each skin must be marked with a tag that is:
 - (a) made of metal or some other permanent material;
 - (b) applied within a specific time of taking that is set by the State; and
 - (c) permanently attached to each skin.*
- (2) The tags must show:
 - (a) State of origin;
 - (b) year of taking;
 - (c) species; and
 - (d) be serially unique.
- (3) A sample of each State tag must be sent to the WPO.

Attachment #4 is a table presenting the conclusions of the Service concerning approval of states' programs. No state for which the ESSA has approved export was identified as being disapproved by the Wildlife Permit Office. The following states were given a "+" in the "1979 Program Approved" column, indicating approval of the program:

Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, South Carolina,

(* Appropriate tags must accompany finished fur products to the port where the tags will be collected by USFWS officers. The tags are necessary to show source and tag numbers of pelts used in the manufacture.

Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Navajo Nation.

The following states were given a "P" in the "1979 Program Approved" column, indicating provisional approval:

Arizona, Maryland, Massachusetts, New Hampshire, North Carolina, Oregon, South Dakota, Utah.

Supplemental Table for Bobcat and River Otter

For each of the states included in the following tables, the ESSA has received additional information relative to the findings under Article II 2(a) for bobcat or river otter. Consequently, we are publishing summaries of this information in the same format as used in our proposals of July 12 (44 FR 40841) and September 7 (44 FR 52289). Description of the table categories follows, along with explanations of abbreviations used.

Harvest level objective for 1979-80

As recommended by the Working Group, it is desirable to define a permissible, desirable, or project level of harvest prior to setting regulations or controls on that harvest. Setting such an objective serves two functions: It clarifies the intent of those controls, which can aid in making decisions on the nature and level of controls to use, and it provides a standard by which the effect of those controls can later be measured. We cite here objectives or projections which have been defined to us by the individual states. These are not quotas or limits, although certain states may have treated them as such, in various forms, in their own regulations (e.g., California and Massachusetts, for bobcats). Where agencies have given us a number it is included here; qualitative objectives are indicated here by abbreviations:

M=Maintain: The state intends to maintain a harvest approximately equal to that in the previous season or to the average of that in several recent seasons.

D=Decrease: The state intends to decrease harvest.

I=Increase: The state intends to increase harvest.

NS=None specified: The state has not identified to the ESSA a harvest level objective for 1979-80.

P=Totally protected: There is no open season for 1979-80. The species may be included in a state list of endangered wildlife, or there may be a temporary moratorium.

X=Not present: The species may never have occurred there, or may have been extirpated in historical times.

Reported harvest, 1978-1979

The state's reported harvest for the 1978-1979 trapping season. In certain

cases (see abbreviations below), more than one reporting system was used, and the differing reports are given with appropriate designations. Problems of comparing harvest reports made by different systems are discussed in the March 16, 1978, notice (43 FR 11081):

TR = Trapper report: Mandatory report by trapper of each kill. In most cases, this includes tagging of the pelt by a state official. This is generally considered the most reliable measure of harvest.

HR = Hunter report: Mandatory report by hunter (as for trapper).

DR = Dealer report: Mandatory report by fur dealers in state of all furs bought and sold. Such reports may be misleading when no distinction is made for skins originating in one state and sold in another. Multiple sales of the same pelt can also reduce accuracy of this method.

TS = Trapper survey; **HS** = Hunter survey; **DS** = Dealer survey: Voluntary survey or reports from a sample of trappers, hunters, or fur dealers. Results of these are commonly extrapolated, with a wide range of reliability, depending on attention to statistical limitations.

VT = Voluntary tag: State provides tags, but does not require their application to all pelts taken. Because such tags are required for identification of legally taken and approved pelts on export, pelts bearing such tags apparently receive higher prices, producing an incentive for tagging. (See also tagging column.)

Tagging

The Working Group recommended that all pelts "be registered and marked." The ESSA and the MA have required as a condition of export that all pelts be clearly identified as to state of origin and season of taking. These recommendations and conditions have generally been met through the application of state-supplied tags to pelts. State requirements and mechanisms for tagging vary widely and, as described above, may have effects on the state's own ability to gather data, on programs in nearby states, as well as on the degree to which tags may identify legally taken hides from the indicated states.

Abbreviations, as follows, are used to

summarize the states' tagging programs. Dates following an abbreviation indicate, where known, the first year that program was applied:

MTA = Mandatory tag, applied by agent: All animals of that species taken or possessed must be tagged; a state agent applies the tag.

MSA = Mandatory tag for sale or transport of pelt, applied by agent: Only pelts to be sold or to enter interstate commerce must be tagged; a state agent applies tag. In some cases, there may be a substantial kill not falling in these categories which is not included in such tagging.

VTA = Voluntary tag, applied by agent: Tags are applied by state agents, but are not required by the state for any particular category of pelt.

MTT = Mandatory tag for taking or possession, but issued to trapper, hunter, or dealer;

MST = Mandatory tag for taking or for sale or transport, but issued to trapper, hunter or dealer;

VTT = Voluntary tag, issued to trapper, hunter, or dealer: In these cases the state may have less control over which pelts are actually tagged.

Local Data and Management

The Working Group recommended that there be "information on distribution of harvest." In addition, the ESSA is required to consider in its finding the "species throughout its range * * *," and the CITES defines species to include subspecies and populations. Not all situations may require data on management more detailed than on a statewide level, especially in small states with little diversity in natural habitat. On the other hand, large states, especially those with considerable variety of habitat and uneven distribution of harvest effort, may find it essential to gather data in local units and to have different regulations for different parts of the state. These are indicated by the abbreviations below:

LH = Local harvest data: Harvest data is available by county or game management unit.

LR = Local research: Intensive research projects are being carried out in two or more diverse sites within the state, providing data

which may be useful in differential management of local populations.

LS = Local surveys: Qualitative surveys of abundance have been carried out which suggest abundance by county or game management unit.

LM = Local management: Regulations or other measures which may affect local abundance or harvest are set differently for different areas within the state.

Recent Management Changes and Other Comments

Continued improvement in management regimes and research programs can have an important bearing on whether the ESSA can find that export will not be detrimental.

Findings and Conditions Under Article II 2(a) for the 1979-80 Season

The ESSA's findings under Article II 2(a) for pelts harvested during the coming fur season are given here. The ESSA is also making a separate finding under Article II 2(b) for export of bobcat, lynx and river otter pelts.

In addition, as described above, the Management Authority must have made a positive finding concerning the adequacy of the state's tagging system as a means of identifying the state of origin and season of taking and whether the pelt is legally taken.

A = Approved: The ESSA finds that export of specimens of this species will not be detrimental to its survival. The ESSA considers that expected harvest under the state's planned management regime will not be detrimental to the survival of the species in that state. As a condition to this finding, all pelts must be clearly identified as to state of origin and season of taking. The purpose of this condition is to provide a record of the harvest and to facilitate research efforts.

Q: #### = Quota: Exports from this state are approved for pelts taken during the 1979-1980 season, on the condition that exports are limited to the specified quota, and pelts are clearly identified to state and season.

NEA = No export approved: Explanation given in "comments" for the state.

P = Protected, or **X** = Not present; no export approved: As in harvest objective column. A finding in favor of export for the 1979-1980 season would be inconsistent with current state conditions.

Bobcat

State	Harvest objectives, 1979-80	Reported harvest, 1978-79		Tagging	Local data and management	Recent changes and comments	Findings and conditions under article II 2(a) for 1979-80
		No.	How reported				
Georgia	M.....	4,410 4,869	DR VT	VTA'78	LS	'79-'80: Trapping season reduced by 23 days, licenses to be required for all persons selling pelts. Extensive scent post survey established throughout state, to be combined with 3 intensive local surveys. Age structure and reproductive data to be analyzed.	A
Mississippi	4,000 max.....	3,142 2,673	TS DS	MST'78 MSA'79	LH, LS	'79-'80: Taking only allowed by trappers. Season reduced by 18 days in most of state. Improved procedures for tagging ad accounting of tag applied. Baseline data on harvest per unit effort available by county. Considerable research planned.	A

Bobcat

State	Harvest objectives, 1979-80	Reported harvest, 1978-79		Tagging	Local data and man- age- ment	Recent changes and comments	Findings and conditions under article II 2(a) for 1979-80
		No.	How reported				
North Carolina	850.....	861	DR	VITT'79		Extensive research planned. New tagging system requires strict accounting of pelts to be tagged before issuance of tags, and no tags may be used on out-of-state pelts.	A
North Dakota	M.....	49	VT	VTA'78 MTA'79	LH	'79-80: Tagging to be done by agent, carcass to be required for tag. Age structure analysis continuing. Little change seen in harvest.	A
Oklahoma	3,250-4,745 max.....	2,903 2,902	DR TR	MITT'78 MSA'79	LH, LS	'78-79: Daily limit of 2, season limit of 8. '79-80: Tags to be replaced with agent-applied tags, improved dealer reporting system (past harvests underestimated by poor reporting). Scent station records indicate stable to increasing population. Considerable research planned.	A
Texas	21,000.....	14,256 18,281 ±4,240	TR TS	MSA'78 MST'78	LH, LS	'79-80: Will issue tags through dealers, but require strict accountability, return of unused tags, and limit period of availability. State is working with neighboring states to develop uniform method for tagging and reporting of pelts.	A
Wyoming	M or D.....	1,304 3,227	TS DR	VTA'77		'79: Game and Fish Department given regulatory authority. Season reduced from year-round to seven months. Age structure analysis suggests improving status ('77-'78).	A

River Otter

Georgia	M.....	3,643 3,000	DR VT	VTA'78		'79-80: Trapping season reduced by 23 days, license to be required for all persons selling pelts. Age structure and reproductive data collection begun, '78-'79, to be continued, based on collection of carcasses, eye lenses, and canine tooth sections.	A
Mississippi	1,500 max.....	952	TS	MST'78 MSA'79	LH, LS	Three-fold increase in beaver impoundments over past ten years has significantly increased available habitat. '79-80: Season reduced by 18 days in most of state. Improved procedures for tagging and accounting of tags applied. Baseline data on harvest per unit effort available by county. Apparent decrease in trapper success not statistically significant.	A
Nevada	NS.....					Limited season for otter, few taken, no export requested or new data supplied.	NEA
North Carolina	1,125.....	1,357	DR	VTT'79		Extensive research planned. New tagging system requires strict accounting of pelts to be tagged before issuance of tags, and no tags may be used on out-of-state pelts.	A
Texas	NS.....					Although Texas has limited open season, no export requested or new data supplied. Status survey in progress.	NEA
Vermont	80 max.....	76	TR	MTA'73	LH	To increase sample collection for age, sex, reproductive, and food habits data. More stringent furbuyer reporting system planned for 1978.	A

ESSA Findings Under Article II 2(b)

The ESSA finds that export of specimens of bobcat and lynx will not be detrimental to the survival of other species of felids protected by the CITES.

The ESSA finds that export of specimens of river otter will not be detrimental to the survival of other species of otters protected by the CITES.

The ESSA finds that export of specimens of Alaskan brown bear will not be detrimental to the survival of other populations of this species.

The ESSA finds that export of specimens of Alaskan gray wolf will not be detrimental to the survival of other populations of this species.

Conditions: The ESSA establishes the following conditions for these findings:

1. Bobcat, lynx, and river otter pelts may only be exported if taken in states approved under Article II 2(a), subject to the conditions described under those findings, and must be tagged according to standards and conditions established by the MA. The July 12 proposal gave details on the MA's 1978-79 standards and conditions for tagging systems, which will not be repeated here. Further information on MA findings is included

in the memo quoted above in the discussion of ESSA findings under Article II 2(a).

2. Specimens of brown bear and gray wolf may only be exported if legally taken in the State of Alaska and must be tagged according to the regulations of that state.

General Discussion

As we have discussed previously, the major issues under the finding relative to Article II 2(b) involve identification and possible stimulation of trade in similar species and populations.

The ESSA must depend upon effective enforcement of the CITES. To the degree that the ESSA can place confidence in the system provided for controlling trade, we can be correspondingly satisfied that existing procedures are adequate to ensure that specimens of one species will not be confused, intentionally or unintentionally, with specimens of other species.

Tagging of pelts helps provide assurance that specimens will be identified properly. Without tags, pelts would only be identified by paper documentation accompanying entire shipments. For such shipments, there

would be many opportunities for confusing the identity of individual specimens. Tagging is particularly important because certain populations of these species are protected or may be threatened, and we know of no unequivocal way to distinguish between at least some specimens of these species taken from different parts of their distributions.

As most states already tag harvested pelts of these species, this condition will not result in significant additional burdens to state game agencies nor to the industry beyond that required for the conditions placed on the finding under Article II 2(a) and by the MA. For these reasons, and because tagging is useful as a vehicle for facilitating research, we believe this condition is very appropriate.

The April 30 notice discussed a possible condition requiring marking on the reverse side of exported hides in addition to the tagging requirement. Although applying this condition to one or more species might significantly reduce problems of identification, it was the judgment of the ESSA that available information concerning possible abuse of the trade in these species is

insufficient to warrant such a condition, and it was not proposed (see 44 FR 40854, July 12, 1979).

In the July 12 **Federal Register** notice, the ESSA proposed four possible alternative conditions concerning either (a) no restriction as to which countries may receive exported pelts or export only to; (b) countries which are Parties to the CITES and which have not taken reservations for the species in trade or for species which that species was included in the appendices to protect, (c) countries whose wildlife trade and wildlife trade regulation have been reviewed by the ESSA and found to provide assurances that contributing the U.S. pelts to their trade will not be detrimental to other species included in the appendices, or (d) countries which meet either condition (b) or (c) above.

Of these possible alternatives, the ESSA finds that other controls, as well as the nature of the trade in these species, make it unnecessary at this time to restrict the countries to which pelts may be exported. In the July 12 proposal, we pointed out that such limitations in trade were originally proposed for export of American alligator (44 FR 31583, May 31, 1979). However, we see considerable difference between the crocodilians and these furbearers. A substantial proportion of the trade in other crocodilians, including several on Appendix I, is known to involve countries which either are not parties to CITES or which have taken specific reservations to Appendix I crocodilians. Trade in some crocodilian species is known to have been detrimental to their survival, and such trade still occurs in volume for several endangered crocodilian species. In addition, the potential for confusing crocodilian products is great, particularly where small pieces are involved. As was discussed in detail in the July 12 proposal, most of the trade in these five furbearers from the U.S. is already with CITES Parties, and none of the major importing Party countries have taken reservations for these or related species. U.S. Fish and Wildlife Service records for 1978 indicate that for bobcat, lynx, and river otter, 85% went to CITES countries, 8% to unidentified countries, and only 7% were known to have gone to non-CITES parties. All known exports of brown bear and gray wolf went to CITES Parties.

Thus, in general a restriction of trade in these species to CITES Parties would have little effect, because the majority of U.S. trade is already with those countries. The small U.S. trade with non-CITES Parties is distributed among

seven different countries, further diluting any potential effect on trade by individual countries or companies. As noted above, we must give some weight to the provisions of the CITES as being implemented and enforced by the Party countries. The 1978 Annual Report of the Secretariat for the CITES includes an analysis of the International Trade in Felidae 1977 (CITES Doc. 2.6, Annex 2), which is based on reports from the CITES Parties and on customs statistics for 1977. Although that report identifies problems in data collection, as might be expected in what was only the first or second year of enforcement of CITES for most of the countries, the volume of Appendix I cat skins in trade is insignificant for those countries, which adds weight to a reliance on CITES controls. Because many of the non-CITES countries trading in these species were also recorded in this report, and few Appendix I species are involved there also, it would appear that even these conditions are improving, and that opportunities for look-alike confusion in trade may be decreasing.

Regarding the question of stimulation of trade, comments by the states of Florida and Louisiana suggest that the availability of relatively plentiful species may prevent switching by the trade to more endangered species. Some weight may be given this argument by the generally acknowledged observation that the increasing demand for bobcat resulted to some degree from trade bans on many threatened populations of tropical spotted cats, although the CITES Secretariat report does report a large trade yet in Appendix II ocelot and margay from South America.

Discussions of world trade in the present species are included in the July 12 proposal and will not be repeated here except in summary.

Bobcat and Lynx. These two species are similar to each other, but dissimilar to most other cat species in trade, and thus unlikely to be confused with species other than the European lynx, which is generally well protected and reported as increasing in many localities (M. Fernex, 1979. Reintroducing the lynx. Council of Europe, Environment Features 79-1). In addition, most of our trade is with CITES Parties, and there is also considerable trade in lynx from Canada and possibly the Soviet Union. Thus we find it unnecessary to restrict trade in these species to certain countries.

River Otter. Although this species is especially difficult to distinguish from other otters, the tagging systems for otters in the U.S. have been established longer than those for bobcat and lynx, and their reliability is somewhat higher.

The requirement of tags on pelts exported from the U.S. can provide aid to other countries in identifying legitimate pelts of U.S. *Lutra canadensis*. Again, the great bulk of U.S. exports go to CITES Parties, providing further assurance that documentation will be required and examined. We are aware of past trade data concerning other otter species exported from South America (N. DuPlaix, ed. 1978. *Otters*. IUCN Publ. New Series), but there is no indication that confusion with *L. canadensis* played a role in that trade. Thus we find it unnecessary to restrict trade in river otters to certain countries.

Brown Bear from Alaska. All known trade in these specimens from the U.S. consists of well-documented trophies being shipped to individual hunters in CITES Parties, and we can find little evidence of extensive commercial trade in this species. Thus we find it unnecessary to restrict trade in brown bears from Alaska to certain countries.

Gray Wolf from Alaska. Alaska requires close accounting of all pelts taken and shipped, and in addition the U.S. fractional contribution of wolves to combined worldwide trade in wolf and coyote pelts can hardly be measured. Thus we find it unnecessary to restrict trade in gray wolf from Alaska to certain countries.

Regulations Promulgation

PART 810—EXPORT OF APPENDIX II SPECIES

Accordingly, Part 810, Chapter VIII, Title 50 of the Code of Federal Regulations, is hereby amended. The current unlettered "Annex" to Part 810 is deleted. New Annexes C, D, E, F, and G are added and read as follows (findings prior to 1979-80 are adopted from previous determinations):

Annex C—Bobcat (*Lynx rufus*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977-78 Harvest: Alabama (Quota 4,000), Arizona (Q 8,000), Arkansas (Q 3,000), California (Q 6,000), Colorado (Q 4,000), Florida (Q 3,500), Georgia (Q 4,000), Idaho (Q 1,475), Louisiana (Q 4,000), Maine (Q 500), Massachusetts (Q 50), Michigan (Q 350), Minnesota (Q 150), Mississippi (Q 4,000), Montana (Q 1,070), Nebraska (Q 400), Nevada (Q 2,225), New Mexico (Q 6,000), New York (Q 225), North Carolina (Q 800), North Dakota (Q 165), Oregon (Q 3,000), South Dakota (Q 500), Tennessee (Q 1,000), Texas (Q 10,000), Vermont (Q 200), Virginia (Q 1,500), Washington (Q 6,000), West Virginia (Q 500), Wisconsin (Q 300), Wyoming (Q 2,000), Navajo Nation (Q 500).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978-79 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico (Q 6,000), New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming (Q 2,000), and the Navajo Nation.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979-80 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico (Q: 6,000), New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Navajo Nation.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex D—River Otter (*Lutra canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977-78 Harvest: Alabama (Quota 1,500), Alaska (open), Arkansas (Q 400), Connecticut (Q 100), Delaware (Q 80), Florida (Q 6,000), Georgia (Q 4,000), Louisiana (Q 7,500), Maine (Q 600), Maryland (Q 165), Massachusetts (Q 68), Michigan (Q 810), Minnesota (Q 700), Mississippi (Q 350), Montana (Q 36), New Hampshire (Q 200), New York (Q 700), North Carolina (Q 1,200), Oregon (Q 335), Rhode Island (Q 15), South Carolina (Q 650), Vermont (Q 50), Virginia (Q 585), Washington (Q 770), Wisconsin (Q 1,200).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978-79 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, Rhode Island,

South Carolina, Vermont, Virginia, Washington, Wisconsin.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar otter species included in the CITES appendices.

1979-80 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, South Carolina, Vermont, Virginia, Washington, Wisconsin.

Conditions on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex E—Lynx (*Lynx canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977-78 Harvest: Alaska (open), Idaho (Quota 25), Minnesota (Q 25), Montana (Q 200), Washington (Q 35).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978-79 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978, and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979-80 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and state of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex F—Gray wolf (*Canis lupus*)

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan gray wolf.

1978-79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978-79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other wolf populations.

1979-80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex G—Brown bear (*Ursus arctos*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan brown bear.

1977-78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978-79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other brown bear populations.

1979-80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Publication of these final findings has been approved by the members of the Endangered Species Scientific Authority.

Dated: September 20, 1979.

William Y. Brown,
Executive Secretary.

[FR Doc. 79-29767 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-55-M