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Zimmerman, S.T. and J.P. Letcher. 1986. The subsistence harvest of northern fur seals, *Callorhinus ursinus*, on St. Paul Island, Alaska. Marine Fisheries Review 48(1):10-14.

Zimmerman, S.T. and M.D. Melovidov. In Press. The 1986 subsistence harvest of northern fur seals, *Callorhinus ursinus*, on St. Paul Island, Alaska. Marine Fisheries Review.

Dated: May 12, 1988.

James E. Douglas, Jr.,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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50 CFR Part 222

[Docket No. 80355-8055]

Listing Endangered and Threatened Species; Action on a Petition To List the Chinese River Dolphin.

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Department of Commerce.

ACTION: Proposed rule.

SUMMARY: In response to a petition to add the Chinese river dolphin (*Lipotes vexillifer*) to the U.S. List of Endangered and Threatened Wildlife, NMFS conducted a status review to determine whether the action is warranted. NMFS believes that the best available scientific and commercial data indicated that the population of the Chinese river dolphin is endangered and should be listed on the U.S. List of Endangered and Threatened Species.

DATE: Comments on the proposed rule should be received by July 18, 1988.

ADDRESS: Nancy Foster, Director, Office of Protected Resources, National Marine Fisheries Service, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Margaret Lorenz, Office of Protected Resources, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235 (202/673-5349).

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the Endangered Species Act (ESA) and 50 CFR Part 424 contain provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce to add or remove a species from the List of Endangered and Threatened Wildlife.

On December 3, 1986, NMFS received a petition from the Center for Environmental Education to list the Chinese river dolphin (*Lipotes vexillifer*)

as an endangered species. According to the petition, this river dolphin is found primarily in the lower and middle sections of the Chang Jiang (Yangtze) River in the eastern, central region of mainland China.

On February 14, 1987, the Assistant Administrator for Fisheries determined that the petition presented substantial scientific information and, in the **Federal Register**, solicited information and comments concerning the status of the Chinese river dolphin. Comments were received from the U.S. Fish and Wildlife Service and Chen Peixun of the Institute of Hydrobiology in the People's Republic of China. Both favored listing the Chinese river dolphin as endangered.

The following status review was conducted by Robert L. Brownell, U.S. Fish and Wildlife Service, and William F. Perrin and Douglas P. DeMaster, NMFS.

Status Review

The Chinese river dolphin is also called baiji and Yangtze river dolphin. In this review, it will be referred to as baiji.

Distribution

a. Present: The baiji is found mainly in the middle and lower reaches of the Yangtze River.

b. Past: From the end of the 19th Century until the 1940's, the range of the baiji extended from the estuary of the Yangtze River to Yichang and even some 30 km upstream near Huanglingmiao just below the Three Gorges Region. As recently as 1955, it was found in the Qiantang River up to Fuyang County and sometimes reached Tonglu County, (Zhou, Qian, and Li, 1977). However, since 1974, these dolphins have been found only in the Yangtze River downstream from Zhicheng. They no longer occur in Dongting (Tungting) Lake, Hunan County, where the type specimen was collected in 1916 (Brownell and Herald, 1972), or the Qiantang River.

Estimated Numbers

The geographic distribution, and hence the population size, has declined drastically since the species was originally described. Work on estimation of the population size did not begin until 1979. Between 1979 and 1981, it was estimated that less than 400 occurred in the middle and lower reaches of the Yangtze River (Zhou, Pilleri and Li, 1980; Zhou, Li, Nishiwaki and Kataoka, 1982; Zhou, 1982). The most recent reports on the status of this species were provided by Zhou and Li, in press, and Chen and Hua, in press. The total world population currently

consists of an estimated 300 individuals (Chen and Hua, in press), of which about 100 occur in the lower reaches of the river (Zhou, and Li, in press). The population is fragmented in small groups dispersed along approximately 1600 km of river habitat. Census results suggest that the population is still declining. If the current rate of decline is not mitigated, it is unlikely that the Yangtze river dolphin population will persist for more than 20 to 50 years (See Goodman 1984, 1986 and Berkson et al. (1985). This figure is based on the population continuing to decline at 5 percent per year and a level of incidental take of 10 percent per year. An estimate of how long Chinese river dolphins are expected to survive as a species (i.e., persistence time) was found to be quite sensitive to the level of incidental take. Additional research on the expected persistence time of the Yangtze river dolphin is underway by Chinese scientists (Perrin and Brownell, in press).

Present Legal Status

a. International: The International Union for Conservation of Nature and Natural Resources (I.U.C.N.) originally listed the baiji as "indeterminate" due to lack of data (I.U.C.N. Red Data Book, 1976), but now considers it "endangered" (1986 I.U.C.N. Red List of Threatened Animals). The baiji is also listed on Appendix 1 of the Convention on International Trade of Endangered Species of Wild Flora and Fauna (CITES).

b. National: The baiji is a "Protected Animal on the First Order" in the People's Republic and China, and its protection has a high priority; it is illegal to deliberately catch these animals under the Regulations Regarding the Propagation and Protection of Fishery Resources and the State Council Decree Concerning the Strict Protection of the Rare Wild Animals (Zhou, 1986). In the areas where the baiji is the most common, Hubei and Anhui Provinces, a council has been set up to educate the public about the baiji.

Listing Factors

1. The present or threatened destruction, modification, or curtailment of its habitat or range: The banks of the Yangtze River have been extensively modified to prevent floods. Most of the lakes along the river have been isolated by sluice gates to retain the water in the lakes during the dry season for irrigation and fish culture. Because the lakes are important nursery areas for many fish species, this isolation may have had adverse effects on the baiji by changing

fish biomass and species composition in the river. A hydroelectric dam was completed in 1983 below the Three Gorges and another is planned in the Three Gorges region. To date, research has not detected adverse effects of the existing dam on most fish populations. A study of the effects of the proposed new dam on the baiji's habitat has been carried out, but the report is not yet available in an English translation.

Some fish stocks in the river appear to be greatly reduced due to the loss of nursery areas for migratory species, overfishing, and pollution (Zhou and Li, in press). Thus reduction in prey availability may have played an important role in the decline of the baiji.

2. Overutilization for commercial, recreational, scientific or educational purposes: The baiji is not directly exploited.

3. Disease or predation: Nothing is known about these factors. However, based on examination of those dead dolphins recovered, neither appears to be a major problem.

4. The inadequacy of existing regulatory mechanisms: Information is not available about this factor.

5. Other natural or man-made factors: Human use of the Yangtze River is extensive. Over the last 35 years, increasing industrial activity, boat traffic, and exploitation of fish resources have combined to degrade the baiji's habitat (Zhou, 1986). The baiji suffers from various forms of human-induced mortality, the most serious of which seems to be accidental entanglement in bottom longlines, called "rolling hooks", set to snag bottom-feeding fish such as sturgeon. Baiji are also taken incidentally in fish traps and gillnets. Fishing gear may account for almost half the known baiji mortality (Lin, Chen, and Hua, 1985; Zhou and Li, in press).

Some dolphins are killed by boat propellers; this problem appears to be most serious in the lower reaches of the river where boat traffic is heaviest and expected to double in the next ten years (Zhou and Li, in press).

Explosions, usually associated with construction projects but occasionally with illegal fishing, account for 15-20 percent of known baiji deaths (Zhou and Li, in press; Chen and Hua, in press). Six dolphins were killed in one construction blast. Conclusion

We believe that the best available scientific and commercial data indicate that the population(s) of the Chinese

river dolphin is endangered and should be listed on the U.S. List of Endangered and Threatened Species.

References

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Recommended critical habitat

In the final rule regarding listing of species (50 CFR Part 424.12(H)), critical habitat cannot be designated in foreign countries or other areas outside U.S. jurisdiction.

Classification

The 1982 Amendments to the ESA (Pub. L. 97-304), in Section 4(b)(1)(A), restrict the information which may be considered when assessing species for listing. Based upon this limitation of criteria for a listing decision and the opinion in Pacific Legal Foundation v. Andrus, 675 F. 2d 829 (6th cir., 1981), NMFS has categorically excluded all endangered species listings from environmental assessment requirements of the National Environmental Policy Act (48 FR 4413-23; February 6, 1984).

As noted in the Conference report on the 1982 amendments to the ESA, economic considerations have no relevance to determinations regarding the status of species. Therefore, the economic analysis requirements of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act are not applicable to the listing process.

List of Subjects in 50 CFR Part 222

Administrative practice and procedure, endangered and threatened wildlife, exports, fish, import, marine mammals, reporting and recordkeeping requirements, transportation.

Dated May 12, 1988.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries.

For the reasons described in the preamble, Part 222 of Title 50 of the Code of Federal Regulations is proposed to be amended as follows:

PART 222—ENDANGERED FISH OR WILDLIFE

1. The authority citation for Part 222 continues to read as follows:

Authority: Endangered Species Act of 1973, 16 U.S.C. 1531-1543.

§ 222.23 [Amended]

2. Section 222.23(a) of Subpart C is amended by adding the phrase "Chinese river dolphin (*Lipotes vexillifer*)" immediately after the phrase "cochito (*Phocoena sinus*)" in the second sentence.

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