in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service’s reasons for this determination was published in the Federal Register on October 26, 1983 (48 FR 49244).

References Cited


Author

The primary author of this final rule is Robert L. Parenti, U.S. Fish and Wildlife Service, 4696 Overland Road, Room 578, Boise, Idaho 83705 (208/334-1931 or FTS 554-1931).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations is amended as set forth below:

PART 17—AMENDED

1. The authority citation for Part 17 continues to read as follows:

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Common name</th>
<th>Historic range</th>
<th>Status</th>
<th>When listed</th>
<th>Critical habitat</th>
<th>Special rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lomatium bradshawii</td>
<td>Bradshaw’s lomatium</td>
<td>U.S.A. (OR)</td>
<td>E</td>
<td>333</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>


Susan Recce,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-22327 Filed 9-29-88; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reclassification of Wild Nile Crocodile Populations in Zimbabwe from Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service reclassifies wild populations of the Nile crocodile (Crocodylus niloticus) in Zimbabwe from endangered to threatened. This change is supported by available biological information on the status of these populations and by the 1983 transfer of the Nile crocodile from Appendix I to II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This rule will allow for noncommercial importation of wild Nile crocodiles into the U.S., provided that such is consistent with the requirements of CITES.


ADDRESS: 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, at the Office of Scientific Authority, Room 537, 1717 H Street NW., Washington, DC.


SUPPLEMENTARY INFORMATION:

Background

The Nile crocodile, Crocodylus niloticus, is one of the largest crocodilians, second in size only to the saltwater crocodile, Crocodylus porosus. Adults may weigh up to 2,200 pounds (1,000 kilograms) and reach as length of 16.4 feet (5 meters) (Pooley and Gans 1976). Many aspects of its ecological requirements are reasonably well known as a result of studies in various parts of its range (see Cott 1961, Modha 1967, Watson et al. 1971). Historically, the species occurred along the Mediterranean coast as far west as Tunisia and as far north as Syria (Pooley and Gans 1976), though today it is confined to the lower Nile, tropical and southern Africa, and Madagascar.

Throughout much of its range, the Nile crocodile has been eliminated, or populations have been seriously reduced, because of habitat alteration, hunting for the hide industry, and killing to eliminate a potential threat to humans, livestock, and the fishing industry. The Nile crocodile was listed as endangered in the Federal Register of Juen 2, 1970 (35 FR 8495), because of the widespread decline of the species from overharvesting throughout its range. In some areas, including Zimbabwe, human development has increased available habitat through the creation of lakes and lagoons from damming swift-flowing rivers. In Africa today, some populations are apparently increasing or at least stabilized, though others continue to decline (Pooley 1982). The most serious immediate threat continues to come from the uncontrolled exploitation of wild populations for the hide industry.

A number of African countries, however, now recognize the Nile crocodile as a valuable part of their natural heritage, both in terms of the service it plays in its ecological role, and as a source of economic benefit from the tourist industry and in the potential for ranching operations for a controlled harvest of hides. Various measures have been used, including complete protection, to conserve populations, and most countries now recognize the need for sound biological data prior to instituting management, even if their present resources restrict their ability to conduct the required studies. Of those countries that have started ranching operations, Zimbabwe appears to have the best information on native populations. Other nations, particularly Zambia, Mozambique, South Africa, and Botswana, are presently gathering data on their crocodilian populations in connection with established ranches or ranching proposals.

In the Federal Register of June 17, 1987 (52 FR 23148), the Service reclassified...
ranched populations of the Nile crocodile in Zimbabwe from endangered to threatened. At the same time the Service announced that available information indicated that wild populations of the species in Zimbabwe also should be reclassified from endangered to threatened, and issued a proposed rule to that effect (52 FR 23152). In that proposal, and associated notifications, all interested parties were requested to submit comments and information that might contribute to the development of a final rule. Five responses were received, all supportive of the proposal.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that wild populations of the Nile crocodile in Zimbabwe should be reclassified from endangered to threatened. Procedures found at 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 were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Nile crocodile (Crocodylus niloticus) in Zimbabwe are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

In Zimbabwe, the Nile crocodile inhabits streams and lakes, primarily under 4,900 feet (1,500 meters) in altitude, in the Zambezi River watershed (Pooley 1982). Prior to European settlement, the Nile crocodile probably occurred in large numbers in all major river systems in Zimbabwe. Except where habitats have been converted to agricultural land, the Nile crocodile can be found throughout most portions of its historic range within Zimbabwe. In some areas of Zimbabwe, human development has increased available habitat through the creation of lakes and lagoons from damming swift-flowing rivers. The creation of Lake Kariba has probably had the greatest positive effect on Nile crocodile populations in Zimbabwe. This manmade lake currently supports a population of 29,000-4,000 crocodiles (CITES 1983). Today, there are approximately 50,000 Nile crocodiles in Zimbabwe (CITES 1983), though current population numbers are probably less than historic ones.

B. Overutilization for commercial, recreational, scientific, or educational purposes

Little is know of crocodile distribution and abundance prior to 1950, though the species was seldom hunted (CITES 1983). Some animals were occasionally killed as vermin or from fear of destruction of property and loss of human life, but this problem was not thought to have substantially affected wild populations. However, wholesale slaughter of the species for skins took place during the 1950’s and many accessible populations became seriously threatened with extinction. With the promulgation of the Wildlife Conservation Act by Zimbabwe early in 1960, the crocodile was recognized as a valuable resource and laws and regulations were introduced to prevent overexploitation of this animal. Populations generally showed an immediate response to this protection. However, some taking has persisted since that time, and public opinion, especially among people on whose land the animal occurs, has generally remained hostile; crocodiles continue to be killed as real or potential problem animals. In addition to the threats mentioned above, ranches in Zimbabwe are still dependent on the taking of wild eggs for their operations. However, “except where the collection of eggs is authorized for research purposes, the collector will undertake to make available to the Department suitably-sized crocodiles for conservation purposes. The number of such crocodiles will be calculated as 5 percent of the eggs harvested, or permitted to be harvested” (CITES 1983).

C. Disease or predation

Not know to be applicable at this time.

D. The inadequacy of existing regulatory mechanisms

As noted above, crocodiles in Zimbabwe were first protected by the Wildlife Conservation Act in 1960; subsequently, populations underwent substantial increases in numbers. Currently, crocodiles are covered by Zimbabwe’s Parks and Wildlife Act of 1975, which gives ownership of wildlife to landholders on their lands. Crocodiles in Zimbabwe are regulated by an eleven-point policy (Zimbabwe Department of National Parks and Wildlife Management 1982). In addition to internal legislation and policies, regulating take within Zimbabwe, export of Nile crocodiles is regulated by CITES; Zimbabwe is a party to CITES. Regulation of take (as discussed above) has been the primary factor in the continuous improvement of Zimbabwe’s wild Nile crocodiles since the early 1960’s.

E. Other natural or manmade factors affecting its continued existence.

None known at this time.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in making this rule final. Based on this evaluation, the preferred action is to reclassify Zimbabwe’s wild Nile crocodile populations from endangered to threatened. Criteria for reclassification of a threatened or endangered species are found at 50 CFR 424.11(d). They include extinction, recovery of the species, and error in the original data for classification. This rule is based upon evidence that Zimbabwe’s wild Nile crocodiles are no longer in danger of extinction. However, because wild populations are still threatened, to some degree, by poaching and taking, and because ranches continue to depend upon wild eggs to maintain their populations, the Service believes that reclassification to threatened is most appropriate. In addition, data are insufficient to demonstrate a complete biological recovery of the species in Zimbabwe; therefore, reclassification to “threatened by similarity of appearance,” or delisting, is not appropriate.

Effects of this Rule

This rule changes the status of wild populations of the Nile crocodile in Zimbabwe from endangered to threatened; therefore, all populations of Nile crocodiles in Zimbabwe are now considered threatened. As such, those regulations specifically pertaining to section 9(c)(2) of the Act apply to Zimbabwe’s wild Nile crocodiles. Section 9(c)(2) of the Act states that “Any importation into the United States of fish and wildlife shall, if:

(A) Such fish or wildlife is not an endangered species listed pursuant to section 4 of this Act but is listed in Appendix II of the Convention;

(B) The taking and exportation of such fish or wildlife is not contrary to the provisions of the Convention and all other applicable requirements of the Convention have been satisfied;

(C) The applicable requirements of subsections (d), (e), and (f) of this section have been satisfied; and

(D) Such importation is not made in the course of a commercial activity; be presumed to be an importation not in violation of any provision of this Act or
any regulation issued pursuant to this Act. Therefore, reclassification to threatened will allow for noncommercial import of Zimbabwe's wild Nile crocodiles into the United States (e.g., importation of sport-hunt trophies) provided that importation is consistent with the provisions and requirements of CITES (see CITES 1983) and the laws and policies of Zimbabwe. Under this final rule, the prohibitions applicable to the Zimbabwe populations of Nile crocodiles are stated in the special rule at 50 CFR 17.42(c). The Service finds that the protections provided under this special rule are necessary and advisable to provide for the conservation of the Zimbabwe populations of Nile crocodiles.

National Environmental Policy Act

The Fish and Wildlife 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 of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

<table>
<thead>
<tr>
<th>Species</th>
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<th>Vertebrate population where endangered</th>
<th>Status</th>
<th>When listed</th>
<th>Critical habitat</th>
<th>Special rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reptiles:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crocodile, Nile</td>
<td>Crocodylus niloticus</td>
<td>Africa, Middle East</td>
<td>Entire, except populations in Zimbabwe</td>
<td>E</td>
<td>3,334</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>


Susan Recce,
Acting Assistant Secretary for Fish and Wildlife Service.

[FR Doc. 88-22328 Filed 9-29-88; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Echinocereus chisosensis var. chisosensis

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service has determined that a plant, Echinocereus chisosensis var. Chisosensis (Chisos Mountain hedgehog cactus), is a threatened species. The only known locality for this cactus is Big Bend National Park, Texas, where an estimated 1,000 plants occur. Due to its low numbers and limited distribution, this cactus is vulnerable to taking, road improvements, and trail construction. Habitat degradation from former grazing, climatic changes, or other undetermined factors may be causing a decline in plant establishment. The determination of threatened status for Echinocereus chisosensis var. chisosensis implements protection provided by the Endangered Species Act of 1973 (Act), as amended.

EFFECTIVE DATE: October 31, 1986.

ADDRESSES: The complete file for this rule is available for inspection by appointment, during normal business hours at the Service's Regional Office of Endangered Species, 500 Gold Avenue, SW., Room 4000, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Charles McDonald, Botanist, Endangered Species Office, P.O. Box 1306, Albuquerque, New Mexico 87103 (50576-3972 or FTS 474-3972).

SUPPLEMENTARY INFORMATION:

Background

Echinocereus chisosensis var. Chisosensis (Chisos Mountain hedgehog cactus) is a Chihuahuan Desert plant endemic to Big Bend National Park, Brewster County, Texas. It was first collected in April 1939, by E. Radley

Author

This rule was prepared by the Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240 (202-653-5948 or FTS 653-5948).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—AMENDED

1. The authority citation for Part 17 continues to read as follows:


2. Amend §17.11(h) by revising the entries for "Crocodile, Nile" under "Reptiles" on the List of Endangered and Threatened Wildlife to read as follows:

§17.11 Endangered and threatened wildlife.

(h) * * *