

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

[Docket No. 90930-9230]

Endangered and Threatened Species:
Indus River Dolphin

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

ACTION: Proposed rule.

SUMMARY: Based on a review of the status of the Indus River dolphin (*Platanista minor*), NMFS has determined that this species is endangered and should be added to the U.S. List of Endangered and Threatened Wildlife. NMFS used the best available scientific and commercial data to make this determination. Scientists estimate the population at about 500, and they are found mainly in the lower Indus River in Pakistan.

DATE: Comments on the proposed rule should be received by January 8, 1990.

ADDRESS: Send comments to Dr. Nancy Foster, Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margaret Lorenz, Office of Protected Resources, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235 (301/427-2333).

SUPPLEMENTARY INFORMATION:**Background**

On April 17, 1987, the National Marine Fisheries Service published its intention to review, in addition to the Chinese river dolphin, the status of the Amazon, Ganges, Indus and La Plata River dolphins to determine whether any of these species should be added to the U.S. List of Endangered and Threatened Wildlife, pursuant to section 4 of the Endangered Species Act of 1973. In 1988 the Service completed its review of the Chinese river dolphin, determined that it was endangered, and added it to the U.S. List of Endangered and Threatened Wildlife (54 FR 22905—May 30, 1989). The Indus River dolphin was also identified as a possible candidate for listing by NMFS in a Federal Register notice August 31, 1988 (53 FR 33516). NMFS has completed its review of the Indus river dolphin, determined that it is endangered, and is proposing to add it to the U.S. List of Threatened and Endangered Species.

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

Status Review

The Indus River dolphin, *Platanista minor*, has also been called the blind river dolphin and Indus susu. In Pakistan, these dolphins are principally called buhlaan or bulhan. *Platanista indi* Blyth, 1859 is a junior synonym of *P. minor* Owen, 1853 (van Bree, 1976). In this review, it will be referred to as Indus River dolphin.

Distribution*a. Present*

Today these dolphins are mainly found in Pakistan in the lower Indus River between Sukkur and Guddu barrages (dams). Downstream from the Sukkur Barrage, dolphins are found to the Kotri Barrage, but they are absent or rare below the Kotri Barrage. One recent dolphin was reportedly taken more than 150 km downstream from Kotri (Pelletier and Pelletier (1980, 1986): Above the Sukkur Barrage, no sightings are known higher than the Jinnah Barrage in the northwestern Punjab (Pilleri and Pilleri, 1979). During the 1970's, Roberts (1977) reported sightings in the Chenab River between Panjnad and Trimmu barrages. However, no recent sightings are available for this area.

b. Past

The historical range included the Indus River at least as far upstream as Attock, as well as the Sutlej, Ravi, Chenab, and Jhelum Rivers to the base of the foothills of the Himalayas (Anderson, 1879).

Estimated Numbers

The barrages have divided the population into six totally isolated subpopulations, two in Sind and four in the Punjab (one of which, above Jinnah Barrage, may consist of only 2-3 individuals) (Perrin and Brownell, 1989). Khan and Niazi (1989) reported that only about 500 were counted during a survey in 1986. Most of them (429) were found in the 170-km area between the Guddu and Sukkur barrages that comprises the Indus Dolphin Reserve. Twenty-one dolphins were counted below the Sukkur Barrage and only 62-71 in the thousands of km of habitat above Guddu Barrage in the Punjab. The species is now extinct in other parts of its former range above the Tarbela Dam and in the Chenab and Sutlej Rivers and above the Panjnad Headworks. These

subpopulations were exterminated by the late 1970's by illegal hunting and lowering of water levels.

Currently, there are little data on the trends in population size for any of the six subpopulations. The status of each population can best be summarized as follows: (1) Below Kotri Barrage—declining, (2) Kotri-Sukkur population—static?, (3) Sukkur-Guddu population—slowly increasing, (4) Guddu-Taunsa and Panjnad population—probably declining, (5) Chashma-Jinnah population—verge of extinction, and (6) above Jinnah—verge of extinction. At this time, the best approach to estimating how long Indus River dolphins will survive as a species is to assume that species persistence time is similar to that of Chinese River dolphins (i.e., 20-50 years).

Present Legal Status*a. International*

The International Union for Conservation of Nature and Natural Resources (IUCN) lists *P. minor* as "endangered" (IUCN Red Data Book, 1976). It is also listed on appendix 1 of the Convention on International Trade of Endangered Species of Wild Flora and Fauna.

b. National

In Sind Province, it has been fully protected since 1972. However, effective protection was not in force until 1974 when the Indus Dolphin Reserve was established by the Government of Sind between the Sukkur and Guddu barrages. The dolphins have also been protected in the Punjab Province since 1973. However, the establishment of one or more reserves and enforcement of the legal ban against hunting are urgently needed. Without this protection, these dolphins will become extinct in the Punjab and the overall distribution in Pakistan will shrink to a very small portion of its original size (Perrin and Brownell, 1989).

Listing Factors

1. The present or threatened destruction, modification, or curtailment of its habitat or range:

The construction of three irrigation barrages have had a devastating effect on the dolphin's habitat and the dolphins themselves. The barrage at Sukkur was completed in 1932, at Kotri in 1955, and at Guddu in 1969. The greatly reduced volume of water, particularly downstream of the Sukkur Barrage, has decreased the dolphins' dry-season range.

2. Overutilization for commercial,

recreational, scientific or educational purposes:

Over-exploitation of these dolphins by local fishermen has been one of the major factors that caused the population to decline. Direct hunting of these dolphins for their meat and oil has been substantial. At least 11 dolphins have been held in captivity in the United States and Switzerland (Reeves and Brownell, 1989).

3. Disease or predation:

Little is known about these factors. However, based on the few dolphins that have been examined, neither appears to be a significant problem.

4. The inadequacy of existing regulatory mechanisms:

As noted above, enforcement of existing bans on hunting is needed to protect this species in the Punjab Province.

5. Other natural or man-made factors:

None are known. Organochlorine residues in one specimen were equal to or less than those found in various species of marine dolphins (Reeves and Brownell, 1989).

Conclusion

We believe that the best available scientific and commercial data indicate that the population of the Indus River dolphin is endangered and should be listed as such on the U.S. list of Endangered and Threatened Species.

References

- Anderson, J. 1879. Anatomical and zoological researches: comprising an account of zoological results of the two expeditions to western Yunnan in 1868 and 1875; and a monograph of the two cetacean genera *Platanista* and *Orcella*. B. Quaritch, London, Vol. 1 (text), xxv + 985 pp.; Vol. 2 (plates), 84 plates.
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Pelletier, C. and F. Pelletier. 1986. Le Plataniste du gange. *Betulan, Dalphin Sacre. L'Univers Du Vivant* 8, 8-18.

Perrin, W.F. and R.L. Brownell, Jr. 1989. Report of the Workshop. In: W.F. Perrin, R.L. Brownell, Jr., Zhou Kaiya and Liu Jiankang (eds.), pp. 1-22. *Biology and Conservation of the River Dolphins*. Occasional Papers of the IUCN Species Survival Commission 3.

Pilleri, G. and O. Pilleri. 1979. Precarious situation of the dolphin population (*Platanista indi* Blyth, 1859) in the Punjab, upstream from the Taunsa Barrage, Indus River. *Investigations on Cetacea* 10:121-127.

Reeves, R.R. and R.L. Brownell, Jr. 1989. Susus *Platanista gangetica* (Roxburgh, 1801) and *Platanista minor* Owen, 1853. In: S.H. Ridgway and R. Harrison (eds.), pp. 69-99. *Handbook of Marine Mammals* Vol. 4. Academic Press, London.

Roberts, T.J. 1977. *The mammals of Pakistan*. Ernest Benn Ltd., London and Tonbridge. xxvi + 361 pp.

Recommended Critical Habitat

In the final rule regarding listing of species (50 CFR 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 on 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 listing 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: October 31, 1989.

James E. Douglas, Jr.

Acting 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 of 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 "Indus River dolphin (*Platanista minor*)" immediately after the phrase "Chinese river dolphin (*Lipotes vexillifer*)" in the second sentence.

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