DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17

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Endangered and Threatened Wildlife and Plants; Notice of Finding on Petitioned Action and a Proposed Rule Pertaining to Three Species of Kangaroos in Mainland Australia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding; proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 12-month finding on a petition to remove all populations of the red kangaroo (Macropus rufus) in eastern Australia from the list of threatened species. The Service also announces that it is deferring a decision on two petitions, one to delist the eastern gray kangaroo (Macropus giganteus) and the other to list the western gray kangaroo (Macropus fuliginosus) and the eastern gray kangaroo (M. giganteus), except the subspecies (M. g. tasmaniensis), from the list of threatened species under the U.S. Endangered Species Act (Act). The Service also announces that it is deferring a decision on a December 20, 1989, petition by Greenpeace USA to reinstate an importation ban on kangaroos and kangaroo products. The term “kangaroo” in the present notice refers to all populations of the three species of macropods, identified above, except M. g. tasmaniensis. The three species of kangaroos were listed in 1974 as threatened pursuant to the Act (39 FR 44990), and the commercial importation of kangaroos, their parts, and products was banned. A special rule to allow such importations into the United States after development of adequate State management plans, accompanied the listing. The Service accepted the management programs for four Australian States and lifted the importation ban in 1981 (46 FR 23929), after kangaroo management plans and population survey techniques had been strengthened. The Service allowed continuation of the commercial importation of kangaroos in 1983 (46 FR 34757) and in 1984 withdrew a proposed rule to delist the three species of kangaroos because of the severe and widespread drought of 1982-3 (49 FR 17555).

The Service was petitioned on December 20, 1989, by Greenpeace USA, with subsequent support from other groups, “to reinstate the ban on commercial importation of kangaroos and of kangaroo products.” The petitioners contended that Australia’s management of kangaroos was inherently flawed and that Australian States did not have adequate and effective conservation programs that ensured the protection of the threatened species. The Service, in order to respond to the December 20, 1989, petition in a meaningful manner, sent three representatives to Australia in March 1990 to investigate the population status of the three kangaroo species (survey methods, numbers and trends), and the implementation of management programs. In addition, the team received comments about the conservation benefit of management plans that allowed the harvest of kangaroos. The Service spent 12 days meeting with selected members of Parliament, representatives of various nongovernmental organizations, scientists, State and federal natural resource managers, enforcement personnel, grain growers, and ranchers. The team also visited parks, open range, chillers, faunal dealers, ports and exporters. The team presented their findings in a June 5, 1990, report (Nichols, J.D., S.R. Singer, and J.S. Smith. 1990. Review of Kangaroo Management, Australia, March 1990).

The Wildlife Legislative Fund of America submitted a petition dated November 6, 1990, which was received by the Service on the following day. That petition requested that all populations of the red kangaroo (Macropus rufus), the western gray kangaroo (M. fuliginosus), and the eastern gray kangaroo (M. giganteus), except the subspecies (M. g. tasmaniensis), be removed from the list of threatened species under the Endangered Species Act.

The Wildlife Legislative Fund petition presented the June 5, 1990, report prepared by Service personnel as the principal basis for their petition. Among other things, the petitioners cited the conservative estimates of the 1987 kangaroo populations (red kangaroo—7.5 million, western gray kangaroo—1.7 million, and eastern gray kangaroo—4.7 million) and the fact that kangaroo conservation programs exist within individual range states as reasons for delisting the species.

The Service, in a Federal Register notice of June 12, 1991 (56 FR 26971), found that the action requested in the
November 6, 1990, petition may be warranted and requested additional comments as part of a continuing status review of kangaroos and kangaroo management in Australia. The comment period was reopened until September 10, 1991. That comment period was later extended to September 24, 1991, in a Federal Register notice dated September 17, 1991 (56 FR 47060).

The present assessment of the status of the three kangaroo species in mainland Australia finds that New South Wales, Queensland, South Australia, and Western Australia have developed and implemented adequate and effective conservation programs that ensure the protection of these macropod species. The Service directly evaluated kangaroo management in Australia by sending Service representatives to Australia in March 1990 and July 1992, and by requesting and evaluating information about kangaroo management obtained from Commonwealth and State governments. The three species are protected by appropriate legislation, have populations regularly monitored by direct and indirect procedures, and are managed by a complex licensing system which regulates the extent of the legal harvest. The Service announces it is deferring a decision on the December 20, 1989, petition by Greenpeace USA to reimpose the ban on kangaroos and kangaroo products. The Service with this Notice also finds that the action requested in the Wildlife Legislative Fund's November 6, 1990, petition to delist the three kangaroo species in mainland Australia is warranted. Kangaroo populations are high and management is good so it is unlikely that these kangaroos will become endangered in the foreseeable future.

The Service received 32,000 cards and letters bearing about 35,000 signatures from citizens of more than 40 countries in response to the August 8, 1990, and June 12, 1991, requests for comments. Virtually all correspondents supported the request to ban the importation of kangaroo products into the U.S. and/or advocated the retention of threatened status for the species. Many of the more lengthy comments pertain to a perceived illogic in the kangaroo management programs of Western Australia, South Australia, New South Wales, and Queensland. Each State has legislation protecting macropods and each State has management programs implementing the extensive culling of kangaroos. Actions to harvest protected species are considered incongruous activities by many persons. The commercial kill of macropods (mostly of red and gray kangaroos) in the four States could total 5.2 million kangaroos in 1992. Many persons questioned whether harvests of this magnitude could possibly represent sustainable yields. Other comments received by the Service questioned the assessments made in the Nichols et al. report, cited perceived flaws in the kangaroo management programs of individual States, suggested that the kangaroo skin and meat industries (rather than killing to prevent or mitigate for agricultural damage) were driving the kangaroo harvests, and hinted at nefarious activities and driving the kangaroo harvests, and mitigated for agricultural damage) were driving the kangaroo harvests, and hinted at nefarious activities and political corruption within governmental bodies. Comments submitted on several occasions by the Australian Commonwealth and Australian State governments have described the kangaroo management programs in detail. The substance of some of the more lengthy comments are addressed in some detail below.

Summary of Comments and Recommendations

The Service responds to public comments and requests that the three kangaroo species without having evaluated the three species using the criteria of the Endangered Species Act. The Service comments further argued that the petition submitted by the Wildlife Legislative Fund should not have been accepted by the Service because its basis was an inappropriate suggestion in the Service report.

Service Response.—The Service agrees that the recommendation for delisting presented in the "Review of Kangaroo Management—Australia, March 1990" was not in and of itself adequate to support a delisting finding. However, the Service accepted the November 6, 1990, petition because it presented sufficient information that the action "may be warranted." A status review was initiated in the August 8, 1990, notice (55 Federal Register 32276) and continued in the June 12, 1991, notice (56 Federal Register 26971). A status review was also relevant to a decision on the December 1989 petition to ban imports (for example, no separate ban is necessary if the species were found to be endangered and no ban could be imposed by the Service under the ESA or any other authority if the species were found to be neither endangered nor threatened).

Comment 2.—Several comments considered the Service report "Review of Kangaroo Management—Australia, March 1990" to be flawed either because the information the Service team obtained and reported was incorrect or because the Service team did not adequately interpret that information.

Service Response.—The Service notes that the Australian inspection was a brief and intense effort to obtain on-site information about population monitoring procedures, product tagging procedures, law enforcement practices and the implementation of management programs. It is an important listing of that information and a useful assessment of kangaroo management in Australia.

Comment 3.—The Service should not delist the three species because the commercial harvest system is driven by commercial greed rather than conservation interests.

Service Response.—Whether the harvest system is driven by greed, conservation, or any other motivation is not a listing issue. Species are evaluated under the Act on the basis of five prescribed listing criteria. This evaluation for the three kangaroo species is described later in this Federal Register notice. The listing criteria consider, among other things, whether causes and extent of mortalities (overutilization) endanger or threaten

Recommendations

The Service concludes that the Service should not delist the three kangaroo species without having evaluated the three species using the criteria of the Endangered Species Act.
the species. The nature of the commercial harvest system is important to this evaluation under the Act because the commercial harvest is the greatest source of human-induced mortality impacting the kangaroos. The Service notes that the commercial harvest is a licensed and managed operation conducted within the bounds of a harvest quota system. Harvest quotas are determined on the basis of population information, seasonal conditions and the perceived requirements by rural persons for damage mitigation. Quotas can be increased or decreased at any time within a state if there are indications that kangaroo populations may be undergoing unexpected changes throughout the year. The harvest in any state can be expanded, restricted or terminated by cancelling, withholding or placing restrictions on the issuance of licenses and by limiting the numbers of animals that can be taken.

Service Response.—The Service should not delist the three species because the harvest quota system is insensitive to environmental or other conditions that may adversely impact kangaroos during an annual period.

Service Response.—The harvest quota system has a capability to be sensitive to short-term changes that may impact kangaroo populations. Additional aerial surveys, ground surveys and property and citizen report information will be used to monitor and evaluate the current kangaroo populations. Monitoring and evaluating the current kangaroo populations can apparently be safely harvested without threatening the welfare of the species. The commercial industry is the mechanism by which a substantial portion of the quota is harvested and utilized. About 70 percent of the quota has been commercially harvested in recent years.

Commonwealth, State, and Territorial Governments have not fully implemented the 27 recommendations of the Australian Senate Select Committee and because Queensland has not yet fully implemented the terms of the 1990 Settlement Agreement between the Commonwealth of Australia, Queensland and New South Wales on the kangaroo populations and harvest. The Commonwealth has indicated (ANPWS 1991 A) that they have considered all the recommendations of the Senate Select Committee. Many of the recommendations are relevant at the state level and they have been implemented where applicable and possible. Additional funding has been sought from the Commonwealth Government to implement recommendations relevant at the Federal level. Queensland National Parks and Wildlife Service has implemented basic changes in its kangaroo management system to respond to some of the commitments in the Settlement Agreement (ANPWS 1991 A). Some issues require research, experimentation or basic changes in policy and will require time before full implementations occur. The fact that recommendations of the Senate Select Committee and the Settlement Agreement are not fully implemented at this time may be grounds for further negotiations in Australia but are not grounds for making a listing decision under the Act.

The Service team received written comments supporting current kangaroo management programs when they made their March 1990 inspection. Those comments were incorporated in the team’s June 6, 1990, report “Review of Kangaroo Management—Australia, March 1990”. The Service also received comments from Australian authorities during the open comment period. One comment from the Australian Embassy was in response to a query about the killing of kangaroos in Hattah-Kulkyne National Park in Victoria. The Commonwealth has no legislative involvement in kangaroo management in Victoria because Victoria does not export kangaroo parts and products and thus has not developed a kangaroo management plan for Commonwealth approval. Victoria has determined that the Hattah-Kulkyne National Park still retains elements of endemic woodlands and considers the park to be a biophore reserve of this endemic woodland. The goal for the Park is to redevelop the endemic woodland, and excess kangaroos apparently need to be culled so herbivore damage to recreation is minimized. The Service fully accepts this explanation.

The Australian National Parks and Wildlife Service (ANPWS) provided comments and attachments in response to the August 8, 1990, Federal Register notice and in response to the “Review of Kangaroo Management—Australia, March 1990”. The ANPWS submission identified the parties responsible for wildlife management in Australia and discussed: the abilities of the individual States to reduce harvest within a reasonable time period in order to cope with changed environmental conditions or population parameters; the abilities to detect illegal trade in skins and meat; the magnitude of the non-commercial kill; research proposals to further evaluate kangaroo populations in Queensland; information about the effect of recent floods in Queensland and New South Wales on the kangaroo populations and harvest; action taken on recommendations made by the Australian Senate Select Committee on Animal Welfare. The submission also included information pertaining to the review of the Queensland Kangaroo Management Program by the Administrative Appeals Tribunal, the kangaroo cull in Hattah-Kulkyne National Park and extensive response to recommendations and criticisms made in the report “Review of Kangaroo Management—Australia, March 1990” and in the Greenpeace USA petition of December 20, 1989. ANPWS also provided comments in response to the June 12, 1991, Federal Register notice wherein it described objectives for kangaroo management, the regulatory mechanisms for enforcing trade restrictions on kangaroo products, the response of the Australian Government to the 27 recommendations in the Australian Senate Select Committee report, how Queensland National Parks and Wildlife Service responded to recommendations in the Settlement Agreement, and the nature of population and habitat surveys in Western Australia. ANPWS and the National Parks and Wildlife Services of Queensland and New South Wales also provided information to Service personnel in July 1992 pertaining to current population and harvest statistics and the current management plans for the four States allowing commercial harvests.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Act (16 U.S.C. 1531 et seq.) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the lists or deleting species from the lists of endangered and threatened wildlife. A species shall be listed or reclassified on the basis of the best scientific or commercial data available after conducting a review of the species’ status with regard to the five following evaluation factors: (A) The present or threatened destruction, modification or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and, (E) other natural or manmade factors affecting its continued existence. The present findings and the proposed rescission of the special rule are based on an assessment of the five listing criteria within the Act. The assessment considers the present
biological status of the three kangaroo species in mainland Australia. The assessment does not evaluate whether the commercial utilization of kangaroos violates their protected status as listed in domestic legislation or the legitimacy of the commercial kangaroo industry. Those are Australian domestic issues. The Service assumes that kangaroo products are a legitimate product of the land if kangaroos are managed as a sustainable resource, and if Australian society approves of the harvest. The Service's evaluation focuses on whether the commercial enterprise threatens the existence of kangaroos and whether governments adequately manage the kangaroo resource.

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

Extensive kangaroo habitats have been lost or seriously degraded where urbanization and several forms of intensive agriculture have occurred. The eastern grey kangaroo has lost the most important habitats to development and agriculture in eastern Queensland, New South Wales (NSWNPS 1991 A) and throughout Victoria. The species, however, is considered abundant and widespread over large areas of eastern Australia where rainfall exceeds 250 mm but has little seasonal trend or where summer rains exceed winter rains (ANPWS 1991). That publication summarizes habitats for the eastern grey kangaroo as including semi-arid mallee scrub, woodland, and forest. The densities of eastern grey kangaroos are frequently low in the more arid portion of their potential range, where they may be confined to narrow belts of woodland bordering watercourses, and are sometimes high elsewhere. The 1991 density of grey kangaroos, for example, was estimated at about 1 per km sq in arid extreme northwestern New South Wales and averaged more than 10 per km sq on about 125,000 km sq of habitat in mescic northcentral New South Wales (NSWNPS 1991 B). Caughley, et al. (1987) listed densities for eastern grey kangaroos that were greater than 20 kangaroos per km sq on some transects in extreme southcentral Queensland as determined from 1980-1982 aerial surveys. The western border of the range of the species has apparently moved westward since European settlement because of the establishment of numerous semi-permanent watering points for stock. Pastoral development is considered to have generally favored the eastern grey kangaroo (NSWNPS 1991 A).

The red kangaroo is considered abundant over much of inland Australia in areas receiving less than 500 mm annual rainfall (ANPWS 1991). The species occurs in mulga and mallee scrub, shrubland, woodland, grassland, and desert. The species seems to prefer open plains with scattered trees or shrubs. The 1991 density of red kangaroos was estimated at less than 3 per km sq in central NSW but at more than 14 per km sq on about 125,000 km sq of habitat in arid extreme northwestern NSW (NSWNPS 1991 A). Caughley, et al. (op. cit.) listed densities greater than 20 per km sq for the red kangaroo on some transects determined from 1980-1982 aerial surveys. Red kangaroos occur in almost a continuous distribution but at varying densities over all the pastoral areas and a large portion of the interior of South Australia. The red kangaroo favors the open but better watered country outside the 2000 km dingo proof fence in lands used primarily for sheep grazing. Red kangaroo densities are much lower outside the fence (SANPWS 1991). The habitat changes associated with sheep grazing such as closely spaced stock water, the production of shrubland with ephemeral grasses, and the exclusion of the dingo are considered favorable for the red kangaroo.

The western gray kangaroo occurs across the south of the continent from Western Australia to extreme southcentral Queensland but generally not east of the great divide. This distribution generally corresponds to the area where winter rainfall predominates. Caughley, et al. (op. cit.) listed densities greater than 10 per km sq for transects in a relatively small area of southwestern New South Wales as determined from 1980-1982 aerial surveys. The increase of watering points to aid the pastoral industry has been beneficial to the western gray kangaroo but intensive agriculture has adversely impacted some habitats. Arnold (1990), for example, indicated that the sizes of some populations of western gray kangaroos have declined significantly where habitat fragmentation to favor intensive agriculture has occurred in southwestern Western Australia. Arnold (op. cit.) further believes losses to kangaroo populations will continue in these areas as the remnant native vegetation continues to be degraded. The western gray kangaroo occurs widely through the southern agricultural area of South Australia and extends into the central pastoral areas. This macropod is considered to be basically a dweller of scrublands and woodlands that grazes at the edges of adjacent grasslands. That portion of the gray kangaroo's range in the pastoral zone of South Australia has been favored by management actions beneficial to sheep production. A portion of the gray kangaroo's range in the southern agricultural zone has been degraded or destroyed by extensive habitat destruction caused by the clearing of native vegetation for agricultural and industrial purposes and for urban and suburban developments (SANPWS 1991).

The three species of kangaroos occur over a vast region of Australia. Census lines representative of about 2.25 million km sq of habitat are routinely surveyed by air to estimate kangaroo numbers. Kangaroos are abundant in major portions of this habitat. As indicated below, an extensive series of Parks and Reserves totaling over 400,000 km sq has been and is being developed which will contribute directly to the conservation of macropods throughout their natural range. Current kangaroo populations could exceed those present before European man arrived on the continent. This seems possible because kangaroos have a reproductive capability efficiently attuned to the boom or bust nature of the usual precipitation-range forage cycle on arid lands and because kangaroos have been an impressive and inadvertent beneficiary of the sheep management system which included the clearing of woodlands, production of watering points, and the control of predators. Kangaroos that inhabit vast areas of Australia in impressive numbers can not be considered threatened because of habitat and range conditions even though much native range is severely degraded. Kangaroos do well when habitats are in adequate condition due to sufficient rainfall and more poorly when droughts occur. This cyclic or fluctuating pattern in response to the vegetative condition of rangelands is a normal periodicity in the arid land system and does not in itself comprise a threat to the species.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The intent of kangaroo conservation in Australia is to maintain viable populations of the three species of kangaroos over their existing range and minimize the deleterious effects that high densities of these species may have on agricultural and pastoral products. Management is an art in the arid-zone ecosystems that comprise much of interior Australia where lands normally cycle in productivity in response to a variable rainfall. Viable kangaroo populations need to be maintained when range productivity and carrying
capacities are low, but kangaroos can represent a usable range resource when populations and range productivities are increased. The Australian National Parks and Wildlife Service and the Parks and Wildlife Services of the individual states regularly monitor population trends of red and gray kangaroos. The species are protected on National Parks and Reserves which total about 5 percent of the continental land area (over 400,000 km sq). Some of these lands represent important kangaroo habitats. The species can be legally killed, but not commercially utilized, by permitted actions in many urban, suburban and agricultural areas for damage mitigation reasons. A major commercial harvest of kangaroos occurs in large designated areas of Queensland, New South Wales, South Australia, and Western Australia. The magnitude and characteristics of this commercial harvest are regulated by the ANPWS as a wildlife management strategy. The total commercial is conducted within the framework of a harvest quota system. The commercial quota is the maximum number of kangaroos of a designated species that may enter domestic or international commerce during a specific year after having been taken in accordance with approved State management plans.

Kangaroo population trends are estimated from large-scale aerial and/or ground surveys. These population trends reflect all forms of mortality acting on kangaroos. Commercial harvest of kangaroos is determined from estimates of the living population and are intended to regulate the harvest which is the principle human-caused form of mortality. The commercial harvesting of kangaroos is directly controlled through the licensing of shooters and their operations.

The population surveys are accomplished during winter (June-August), annually in South Australia, New South Wales, and Queensland and triennially in Western Australia. The raw data from surveys represent index values that can be compared to develop trends, or they can be expanded by the use of suitable correction factors to provide estimates of kangaroo populations. Correction factors strive to account for differences in the behavior of kangaroo species regarding their sightability and the ability to sight kangaroos in different habitats. Research is ongoing to further enhance the quality of surveys and correction factors.

Population trends in Western Australia, where aerial surveys are only accomplished at 3-year intervals, are estimated from monthly reports of the commercial harvest, the intermittent aerial surveys and ground surveys and patrols by appropriate staff (WADCLM 1991 A and B). Harvest quotas are determined on the basis of population information, estimates and quotas, and the perceived or estimated requirements for damage mitigation. Conservation interests are considered to drive the establishment of harvest quotas because quotas are usually fixed as conservative proportions of the estimated populations. Individual States could temporarily set quotas at high rates if their stated management goal was to reduce statewide or localized kangaroo populations to more sustainable levels.

The 1991 harvest quota for red kangaroos in Western Australia was 290,000, or 12 percent of the 1990 estimated population of 2,370,000 (WADCLM 1991 A), and the 1991 harvest quota for gray kangaroos was 45,000, or 4 percent of the 1990 estimated population of 1,073,000 (WADCLM 1992 B). About 185,000 red kangaroos and 38,000 gray kangaroos were commercially killed in 1991 in Western Australia, which equaled about 8 percent and 4 percent, respectively, of that State's 1990 population estimates. The 1991 harvest quota for red kangaroos in the commercial utilization zone of Western Australia was 31,700, or 16 percent of the 1990 estimated population of 194,000. About 214,000 red kangaroos (11 percent) and 15,000 gray kangaroos (8 percent) were apparently killed for the commercial trade in South Australia in 1991. The 1991 harvest quota for red kangaroos in the commercial utilization zone of New South Wales was 706,000, or 16 percent of the 1990 estimated population of 4,500,000, and the 1991 harvest quota for gray kangaroos was 804,000, or 20 percent of the 1990 estimated population of 4,050,000. About 496,000 red kangaroos and 360,000 gray kangaroos were commercially killed in 1991 in New South Wales, which equaled about 10 percent and 9 percent, respectively, of that State's 1990 population estimates. The 1991 harvest quota for red kangaroos in the commercial utilization zone of Queensland was 480,000, or 28 percent of the 1990 estimated population of 1,820,000, and the 1991 harvest quota for gray kangaroos was 1,300,000, or 58 percent of the 1990 estimated population of 2,230,000. Queensland authorities believe the 4,050,000 estimate for red and gray kangaroos is a conservative and substantial underestimation of the true population because currently used correction factors apparently are unable to adequately depict populations, especially of gray kangaroos, within the dense tree and scrub cover in the subcentral mulga zone. One extent of the harvest quota in Queensland is apparently to reduce kangaroo numbers, especially those of the eastern gray kangaroo, to what is viewed as more sustainable levels. The Service notes that Queensland has not described what that more desirable level might be but that Queensland is committed to the retention of viable populations of macropods of each species throughout their existing range. The total national commercial quota in 1991 for red and gray kangaroos was 4,065,000, which was 22 percent of the estimated 1990 red and gray kangaroo population of 18,187,000. The 1991 commercial kill was 2,798,000, which was 69 percent of the commercial quota and 15 percent of the stated 1990 population estimate. The 1991 commercial kill would be an even smaller proportion of the total population if the Queensland kangaroo population was significantly underestimated. An additional 98,300 red and gray kangaroos (less than 1 percent of the national population estimate) were reported killed during 1991 for damage mitigation purposes outside the commercial harvest quotas.

Queensland has received criticism in past years for its harvest management system. That system has been substantially modified in the past two years (QNPWS 1992). Queensland now establishes its kangaroo harvest quota in the following manner. Survey data from fixed-wing aircraft, helicopters and ground surveys are utilized to provide population estimates. A conservative possible harvest quota is formulated from this mid-winter survey information. This statewide potential quota is reviewed by the Area Director, Regional Director, and the Manager-Wildlife Management, Queensland. The potential quota is then passed before the Macropod Management Committee (a State Ministerial committee) to receive public input from the rural community, pastoralists, graziers, shooters, dealers, the Department of Primary Industries, conservation groups, and politicians whose constituents are impacted by kangaroos. The committee bases on the acceptability of the proposed quota and may make recommendations about the quota. The proposed quota and the comments are passed to the Queensland Minister, who determines the final quota to be submitted to the Commonwealth for approval. Commonwealth approval may be gained...
after the proposal has been reviewed by ANPWS and the Commonwealth Minister's Scientific Advisory Committee on Kangaroos. The commercial utilization area (CUA) in South Australia occurs on about 282,000 km sq of pastoral landscape, which comprises about 28 percent of the State's land area. The harvest quota in South Australia is based on the winter aerial survey of the commercial utilization area and is developed for each of 10 kangaroo management zones within the CUA. The commercial quota is set as a best estimate of the maximum number of each species that may need to be killed to contain deleterious effects on stock, crops or property without jeopardizing the viability of kangaroo populations (SANPWS 1991). The proposed quota has to be approved by the appropriate South Australian Minister before its submission to the Commonwealth. The Commonwealth Minister subjects the proposed quota to review by ANPWS and the Minister's Scientific Advisory Committee on Kangaroos before any implementation of the kangaroo management program can occur.

The commercial utilization zone covers the western two-thirds of New South Wales. The harvest quota in the State is based on population estimates from the most recent aerial surveys, recent trends in population numbers and distribution, harvest monitoring data, information about non-commercial harvest mortality and non-commercial harvest mortality, climatic conditions over at least the past year, current land use, the proportion of the population not subject to damage mitigation culling, and the demand for agricultural damage mitigation culling (NSWNPWS 1991 A). The proposed quota is subject to peer review and must be approved by the appropriate New South Wales Minister before its submission to the Commonwealth. The quota must be approved by the Commonwealth Minister, after its review by ANPWS and the Minister's Scientific Advisory Committee on Kangaroos, before the harvest program can be implemented. The commercial harvest zone may total about one-half of Western Australia. Parks, reserves, and State forest lands occupied by and providing protective status to western gray and/or red kangaroos may total 100,000 km sq within this vast state. The harvest quota in Western Australia is conservatively established on the basis of current population trends, seasonal conditions, the review of previous annual harvests, the proportion of the habitat and population not subject to harvesting, current land use practices, and the significance of the take outside the commercial quota (WADCLM 1991 A and B). The proposed quota is subject to peer review and must be approved by the appropriate Western Australian Minister before being forwarded to the Commonwealth Government. The Commonwealth Minister (after review by ANPWS and the Minister's Scientific Advisory Committee on Kangaroos) must approve the quota before the harvest program can be implemented. Individual states have the capability to monitor their kangaroo harvest. For example, Queensland has established a Macropod Management System which is a new and large computerized database containing information about shooters' records, dealers' records, location of kill, date of kill, sex and species of kill, etc. The database has the capability to track harvest information to assure managers that certain populations are not being overharvested. A computerized database in Western Australia, built on harvest data, allows for the analysis of total commercial take by management area, trends in the sex ratio of the commercial take, trends in the average weight of kangaroos in the commercial take, and trends in the commercial take per unit effort (WADCLM 1991 A and B). South Australia is collecting, but not yet utilizing in its kangaroo management program, monitoring data about catch per unit of effort, sex ratio of the kill, and average weight of carcass by sex for each species (SANPWS 1991). New South Wales obtains specific information from trappers, shooters, and faunal dealers to determine catch per unit effort, average carcass weight by sex per species, sex ratios of the kill, and the distribution of the harvest. This information is available by management zone and in a statewide basis (NSWNPWS 1991 A).

The monitoring and assessment of population trends and harvest returns as specified in the approved kangaroo management programs is intended to ensure the conservation of the species. The monitoring of the harvest presumably provides continual assessment of the health of the macropod populations so overutilization will not occur. The States and Commonwealth governments have the capability to police and regulate the commercial take of kangaroos so overutilization will not occur. State governments control any illegal trade in kangaroos through regular and random field inspections of shooter and dealer operations and checks on the returns required from them. Law enforcement staff may also report on reports of illegal activities. The primary focus in law enforcement activities at the State or Territory level is to detect illegal trade long before material may be proposed for export. This is feasible because of the relatively small number of people involved in the commercial kangaroo industry and the kangaroos meet or skins in a secretive manner. There is also little incentive to become involved in illegal activities when quotas are not being reached (on average only about 70 percent of the total quotas have been taken in recent years) (SANPWS 1992).

The Commonwealth capability to control illegal trade rests primarily with Customs officers and the Australian Federal Police. Checks on permits and documentation of kangaroo products by Customs officers are restricted to the inspection of paperwork associated with the export. Customs officers will conduct more detailed and comprehensive investigations where intelligence indicates that illegal activities may be occurring (ANPWS 1992). The Wildlife Enforcement Squad within the ANPWS is intended to coordinate enquiries/investigations into allegations of illegal trade in wildlife. Annual surveys are good indicators that kangaroo populations are not being overutilized. For example, population estimates for red and grey kangaroos (with numbers commercially harvested listed in parentheses) for New South Wales from 1987–1991 total, respectively, 5.4 million (0.47 million), 5.5 million (0.42 million), 7.6 million (0.50 million), 8.6 million (0.63 million), and 9.1 million (0.86 million). Population estimates for 1987 and 1988 are only for the western plains while those in 1989–1991 are based on populations in both the western plains and the tablelands. The total population in NSW has been increased at least during the years 1989–1991. Index numbers for Queensland for the same period (with numbers commercially harvested listed in parentheses) are estimated at 4.8 million (1.60 million), 4.7 million (1.65 million), 4.1 million (1.62 million), 4.1 million (1.58 million), and 3.0 million (1.49 million). The 1992 index estimate was about 4.1 million which is similar to the 1989 and 1990 levels. Queensland considers its population figure to be an index rather than an estimate because a greater but yet unknown correction factor may be necessary to expand raw data from aerial surveys into population estimates, to account for difficulties in making aerial counts of eastern grey kangaroos in woodland habitats. Mulga woodlands comprise about 190,000 km sq in Queensland and are especially difficult to census from the air. Brigalow
woodlands are also difficult to census but many of these lands have been extensively modified to favor agriculture. Comparable data for annual populations are apparently not available for South Australia and Western Australia. South Australia had an estimated population of 963,000 red and 208,000 western gray kangaroos in 1987 and 1,950,000 red and 194,000 western gray kangaroos in 1990. Western Australia had an estimated population of 2,329,000 red and 652,000 western gray kangaroos in 1987 and 2,178,000 red and 1,070,000 gray kangaroos in 1990. A combined total of about 0.30–0.45 million red and gray kangaroos were commercially harvested annually between 1987–1991, from South Australia and Western Australia. Drought events can directly affect kangaroo numbers. Data from New South Wales for the 1980s provides a best illustration of population fluctuations associated with droughts. The data unfortunately provide an imperfect comparison because both census procedures and evaluation areas changed during the decade. The trend seems clear, however, a population build up to 1982, a major population reduction measured in 1983 and 1984 in response to the severe drought in summer 1982–1983, and a gradual population recovery to 1990. The population estimated from 1981, with commercial kill numbers in parentheses, are 7,046,000 (489,000); 9,400,000 (664,000); 5,500,000 (400,000); 2,739,000 (229,000); 4,155,000 (326,000); 4,682,000 (445,000); 5,425,000 (473,000); 5,498,000 (421,000); 7,582,000 (500,000); and 8,550,000 (633,000). The sheep range may be entering a drought period in 1992, so both kangaroo numbers and harvest numbers could be expected to diminish in future years.

The major problem in the sheep range is too little herbage and too many herbivores. Efforts to implement a total grazing management policy called for the eliminating of feral herbivores and introduced rabbits coupled with reductions in numbers of sheep and kangaroos. The Service notes it is administratively easy to attain reductions of kangaroo numbers through implementation of the commercial harvest but it is also essential to significantly reduce sheep numbers. The Service supports efforts to enhance the value of kangaroos so that graziers may find reasons to manage kangaroos as assets rather than liabilities. Kangaroo populations are relatively high and range conditions may be deteriorating at this time because of a continuing drought. The Service recognizes that a high 1992 harvest goal of 4,942,000 red and gray kangaroos is an attempt to reduce kangaroo numbers to levels close to their long-term averages in order to minimize economic losses to graziers and so extensive starvation and increased range degradation. However, this is a valid management strategy if accompanied by reductions in numbers of domestic herbivores and if reduced harvest quotas occur in the future, should kangaroo populations decline significantly during this ongoing drought event. The Service finds that red and gray kangaroo populations are not being overutilized in mainland Australia at this time.

C. Disease or Predation.

There is no evidence that kangaroos at this time are threatened by disease or predation. Predation by dingos may have been an important limiting factor before the arrival of Europeans. Dingo predation has been severely curtailed to enhance sheep husbandry, and kangaroos have inadvertently benefited from this action. Mortality of red and gray kangaroos, believed caused by an unidentified post-flood agent, was observed in southwestern Queensland following the April 1990 floods. The impact was short-term (ANPWS 1990), however, presumably because regenerating vegetation stimulated increases in subsequent kangaroo populations.

D. The Inadequacy of Existing "Regulatory Mechanisms"

Red and gray kangaroos have protected status in all parts of their respective distributional ranges throughout Australia under relevant State or Territory legislation. The responsibility for wildlife conservation rests with individual State or Territorial governments through their fauna conservation authorities (ANPWS 1991). The decision to provide for a commercial harvesting industry is determined by State or Territory government policy and legislation. The Commonwealth has no power in law to influence how States and Territories manage red and gray kangaroos except for those populations subject to export or international agreements. The Commonwealth would be powerless, for example, to directly intervene should any individual State or Territory, with no export program, develop or operate an intrastate program that was counter to the Commonwealth views of conservation and management. The ANPWS, however, is aware of the level of protection provided in mainland States and Territories that do not seek to export kangaroo products and the Commonwealth is satisfied that management in those mainland and States and Territories (Victoria, Northern Territory, Australian Capital Territory) is in significant agreement with Commonwealth views of conservation and management (ANPWS 1992).

The management of kangaroos in New South Wales, Queensland, South Australia, and Western Australia is based on legal protection and regulations controlling the harvest of kangaroos. Each of these four States has a kangaroo management program which includes provision for the reduction of harvests, if necessary, and each State has the responsibility to implement the provisions of its individual kangaroo management programs. The largest populations of red and gray kangaroos occur in the four States, and the Commonwealth Government does have a mechanism to enhance the protection of those populations. That mechanism exists through the Wildlife Protection (Regulation of Exports and Imports) Act of 1992 (WP(REI)A). The WP(REI)A consolidated wildlife controls into a single act so the Commonwealth could more effectively implement the objectives of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Commercial trade is permitted only if it has been conclusively established that the native species will not become threatened because of the inadequate control of exports or through the import of some non-native species. The Commonwealth Minister for the Arts, Sport, the Environment and Territories can approve or disapprove of proposed management programs for individual species after having been advised of their merit by the ANPWS and the Minister's Scientific Advisory Committee on Kangaroos. State governments in Western Australia, South Australia, New South Wales, and Queensland have each developed kangaroo management plans that have been approved by the Commonwealth so that an export trade in kangaroo products is allowed from each of those States. The kangaroo management plan for each State has a monitoring provision for both population trends and harvest returns to ensure that conservation of the species is the foremost objective.

An approved kangaroo management program specifies that kangaroo products for export must be from kangaroos taken in a specified and approved manner. An approved kangaroo management program must contain sufficient biological information
so it can be evaluated. There also needs to be ample proof that the biological information has been considered in developing the program, and discussions must be held between the State and Commonwealth governments so the management program attain acceptable standards. The management program must ensure that taking in the wild will not be detrimental to the survival of the species, will be carried out at minimal risk to the continuing role of that species in the ecosystem, will occur in a humane manner, and that adequate periodic monitoring and assessment of the effects of the taking of specimens will occur to ensure the long-term survival of the species.

The kangaroo management programs are generally based on multiple-use tenets and are designed to ensure the continued survival of kangaroos throughout their range. The program assumes that kangaroos are successful native herbivores whose numbers frequently need to be controlled. The programs are based on population monitoring and a licensing system to control the legal culling of animals. The individual States have the responsibility to ensure that the killing of kangaroos does not significantly affect the distribution and abundance of the species.

The general objectives of the kangaroo management programs are (1) maintain viable populations of kangaroos throughout their natural range, (2) minimize the effects of kangaroos on pastoral and agricultural development, (3) maintain populations of kangaroos at levels that will not produce long-term adverse impacts to habitat, and (4) manage the species as a renewable resource. Implementation to achieve objectives includes enabling legislation and an administering organization with sufficient funding to accomplish appropriate research, management, and monitoring activities.

The New South Wales National Parks and Wildlife Service controls the harvest of kangaroos through the National Parks and Wildlife Act 1974. All kangaroos entering commercial trade must be legally taken in accordance with this Act, and it is an offense to kill kangaroos or have them in possession without an appropriate license. Landholders have to approach the NSWNPWS for a permit to kill kangaroos on their property, and tags are issued if the killing is found to be warranted. Shooters, commercial dealers, and tannery operators are each licensed so controls exist at several levels of the commercial harvest. The total allowable commercial kill occurs within the framework of the commercial quota. The development of the quota has been described in a general manner under factor B above.

The legality of obtaining and conserving nature in Queensland is the Faunal Conservation Act 1974, soon to be replaced by the Nature Conservation Act 1992. The Nature Conservation Act 1992 creates classes of protected areas; designates classes of wildlife; and provides for development of conservation plans to protect, use and manage protected areas, critical habitats, and classes of wildlife. The Queensland kangaroo management program describes how the activities of shooters and dealers are regulated, how the size and/or composition of the population is to be monitored, the regulations and checks to prevent illegal harvest or over-harvest, and other measures to ensure the conservation of the species. The approval of Queensland’s kangaroo management program by the Commonwealth Government indicates an assurance that commercialism will not threaten the survival of kangaroo populations throughout their range.

Kangaroos and all native fauna in South Australia are protected under the National Parks and Wildlife Act 1972. A permit is required to take any animal for damage mitigation purposes and any kangaroo that enters the commercial trade must be tagged with a species-specific tag. Quotas are developed after the direct monitoring of populations on an annual basis, and individual properties may be monitored through ground surveys and property inspections before receiving a quota. Quotas are released in stages so management can respond to changes in climatic conditions. Kangaroo shooters are licensed to shoot on individual properties.

The Department of Conservation and Land Management has the responsibility for the conservation and protection of all flora and fauna under the Western Australia Conservation and Land Management Act of 1984. The Department has authority under the Wildlife Conservation Act 1950 and associated regulations to control the killing of red and grey kangaroos. Landowners and their agents may take kangaroos non-commercially for damage mitigation purposes in open-season areas. Kangaroos can only be taken under a damage license specifically issued to particular properties in non-open season areas. The harvest is monitored by using species-specific tags and by monitoring monthly reports from licensed shooters and dealers.

Population trends are monitored on a triennial basis because of the State's vast area and because kangaroo densities are frequently low.

Critics of the kangaroo management program in Australia cite the incongruity of legalizing granting protection to the species and the presence of a commercial industry that is responsible for the harvest of several million kangaroos per year. Critics also state that few studies substantiate claims that kangaroos are major depredators of range and agricultural crops, so that arguments that kangaroos are harvested to reduce damage especially to range products are specious, especially when sheep numbers remain too high for fragile ranges. The Service believes that any perceived incongruity in domestic laws needs to be resolved domestically and is not a reason for an ESA listing decision. It is additionally not necessary for the Service to address the argument that the commercial killing of kangaroos is solely for damage mitigation purposes to make a decision on a listing status. Kangaroos incidentally prosper at this time because of land management accomplished for other purposes. Active kangaroo management essentially only regulates kind and level of take so that overutilization does not occur and so that sustainable populations are maintained throughout their range. Regulatory mechanisms in place are adequate to perform this function.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Kangaroo populations fluctuate in response to environmental and climatic conditions. Appropriate wildlife management agencies routinely evaluate kangaroo populations over a wide area and monitor current harvest statistics to track population trends. This activity is intended to provide a sufficient understanding so that harvest activities, can be slowed or terminated if that becomes necessary. This may be appropriate, especially during drought, when kangaroo populations may become reduced and are most vulnerable to population control activities.

There is great concern among critics that management programs both for individual States and the Commonwealth are insensitive to the plight of kangaroos during environmental stress periods as during the 1982–1983 drought. The perceived insensitivity at that time was an apparent inability or unwillingness to reduce the commercial harvest of kangaroos in what critics considered a timely manner during an environmental stress period. The critic argue that demands from the pastoral industry and
Despite the commercial kangaroo industry superseding important kangaroo management decisions. The present concern with insensitivity is that many kangaroo habitats are experiencing droughts during 1992 at a time when a record macropod harvest quota of 5.2 million animals (including 4,942,000 red and gray kangaroos) has been established. The Commonwealth indicates (ANPWS 1992) that the determination of quotas during a dry period as during a normal period is on the basis of estimated kangaroo populations. Droughts are quite variable in their duration and distribution and kangaroo populations do not automatically decline in response to dry seasonal conditions. The 1983 harvest quotas were set at high levels because kangaroo populations measured during the June–August 1982 winter period was still high. The actual harvest during 1983 was considerably less than the actual quota and the quotas in 1984 and 1985 were maintained below 2 million animals as populations recovered. Kangaroo populations have risen across Australia since that time and quotas have correspondingly increased. The 1992 quota also reflected high kangaroo population estimates during the winter of June–August 1991. The future harvest quota is expected to diminish if kangaroo populations diminish because of the 1992 drought event. Quotas are expected to be maintained at the lower level until populations again recover. It is a proper management tenet to progressively destock the land as a dry season develops into a drought. Wild animal populations can only be reduced in such circumstances by killing animals or leaving them to die from lack of feed or water. Harvesting of kangaroos going into a drought ensures that limited resources are maintained for a longer period as populations decline.

States have additional regulatory mechanisms to reduce actual harvest to levels below the commercial quota. Licenses to take animals may be amended to restrict the numbers taken in a particular area, to limit harvesting to certain species, or to cease hunting altogether. Thus, management may progressively restrict and then cease all harvesting of kangaroos in response to declining populations. Following the 1982–83 drought in New South Wales, a moratorium on harvesting was applied to some of the worst affected areas to enable populations to recover. Should a severe drought occur during the 1990’s, States can be expected to respond in an appropriate manner to changes in the kangaroo populations. The ultimate assurance that conservation of the species will be given primary consideration is the approval and review of ongoing operations of State management programs by the Commonwealth Government (ANPWS 1992).

Control over the methods used to kill kangaroos rests with State and Territory management personnel and is determined by relevant State and Territory legislation. New harvest technologies that could threaten kangaroo populations cannot be introduced without governmental approval.

Summary of Petition Findings

The Service’s regulations at 50 CFR 424.11(d) allow a species to be delisted by reason of extinction, recovery or because the original listing data was in error, if the best scientific and commercial information available indicates the species is neither threatened nor endangered. The Service proposes to delist these three species of kangaroos on the basis of their successful recovery. Recovery in this instance pertains to the fact that present kangaroo populations are substantial and kangaroo management programs have been developed and implemented that are sufficient to maintain sustainable kangaroo populations throughout their present range.

The Service proposed on April 1, 1974 (39 FR 11903) to list the three species of kangaroos as endangered foreign wildlife. The Service, at that time, noted that reductions in kangaroo habitat and range were evident due to the expansion of human activities, the replacement of native vegetation by exotic plant species, and man’s alterations of habitat for a number of reasons. The Service also suggested that: Commercial exploitation in combination with natural losses might exceed the kangaroo’s reproductive capability; the information base was inadequate to develop kangaroo management plans; regulations were inconsistent between States, and no coordinated management plan existed; the control and monitoring of the kangaroo harvest was inadequate; no indications existed that harvest quotas were designed to ensure sustained yields; the funding and staffing for conservation activities were inadequate; only limited quantities of land had been set-aside for conservation reserves; and the impacts of periodic droughts and floods had not been adequately considered in kangaroo management. The Service with the publication of the April 1, 1974, proposed rule sought additional information about kangaroos and kangaroo management. The Service, after evaluation the additional information received in response to the proposed rule, determined on December 30, 1974 (39 FR 44900), that the three species of kangaroos were more appropriately classified as threatened. The Service, at that time, also prohibited the importation of kangaroos for commercial purposes. The Service stated in that Federal Register notice that while substantial acres of kangaroo habitat had been lost, those acres were small relative to the total available kangaroo habitat and range. The Service further noted there was no evidence to suggest overutilization, on a species population basis, nationwide. All states were acknowledged as having harvest quotas, and trends throughout Australia indicated the enhanced regulation of kangaroo harvests. The Service noted that: inadequacies existed in attaining population data for survey and monitoring actions; regulations and management policies were not uniform between States; and legal coordination existed in kangaroo management activities. Both acres of lands set aside for native wildlife and law enforcement capabilities were found to be deficient. The Service determined that management was sufficient, however, so the species were not likely to become extinct. The Service declared that prohibitions against commerce in kangaroos and kangaroo products from the three threatened species could be lifted, in the future, upon receiving appropriate certification from the Australian Government. That certification for an individual Australian State would declare that the individual State had developed an effective sustained yield management program for the kangaroo species, and that the taking of kangaroos in that individual State would not be detrimental to the survival of the species.

The Service in a Federal Register notice of April 29, 1981 (46 FR 23929) indicated that Western Australia, South Australia, Queensland, and New South Wales had developed effective sustained yield management programs for the three species of kangaroos and had adequately indicated that the taking of the three species of kangaroos would not be detrimental to the survival of the species. That notice additionally established a special rule (50 CFR 17.40(a)) which permitted the importation of red, eastern gray and western gray kangaroos, and their parts and products, into the United States. The Congress USA notice of December 20, 1989, sought to reinstate the ban on commercial importation of
control of harvest during drought events

Governments to the management and populations fluctuate with and recover measurably improved in 1992. Kangaroo breed, but the ability of kangaroo kangaroos were again beginning to been affected by the lifting of the ban on management was to reduce agricultural damage and not necessarily to provide sustained yields of kangaroo products. It was additionally pointed out that the status of kangaroos had not been affected by the lifting of the ban on the commercial importation of kangaroo products into the United States. The Service withdrew the proposed rule to delist the three kangaroo species on April 24, 1984 (49 FR 17555) after receiving new data from the Australian Government that the severe drought in the summer of 1982–3 had caused significant reductions in kangaroo populations. It was noted that the drought was broken in winter 1983, that kangaroos were again beginning to breed, but the ability of kangaroo populations to recover from the major 1982–3 population fluctuation was unknown. It was further noted that the delisting action could be reconsidered after the Service had a better understanding of how kangaroo populations recover from drought events.

The present proposed rule notes that conditions the Service found to justify a delisting action in 1983 are measurably improved in 1992. Kangaroo populations are now managed on a sustained yield basis, and a better understanding exists of how kangaroo populations fluctuate with and recover from drought events. The sensitivity of Australian Commonwealth and State Governments to the management and control of harvest during drought events seems to be improved. The basic for this delisting action is the successful recovery of kangaroo populations. The present kangaroo populations may realistically be about what they were when the species were first listed as threatened in 1974, but kangaroo populations are considered recovered because management by Commonwealth and State governments has achieved a level of proficiency that reasonably guarantees the well-being of kangaroos throughout their present range. Kangaroos in mainland Australia are managed at least as well and may be as numerous as are deer of the genus Odocoileus in North America.

The Service finds that extensive kangaroo habitats remain in mainland Australia, that management for pastoral industries may favor kangaroo production, and that an extensive series of National Park Reserves have been established (some of which are important to kangaroos). The Service also finds that adequate kangaroo management plans have been developed and implemented. Kangaroo populations are systematically and periodically assessed, and population data, environmental conditions, and public consultation inputs are weighed in the development of harvest quotes. The harvest operation is found to be a licensed action that occurs on individual properties at the request and permission of landholders. Authorities within the States have the responsibilities and capabilities to monitor the harvest so that overutilization will not threaten the substantial kangaroo population existing within individual states. Disease and/or predation do not threaten these kangaroo species. The management of kangaroos in New South Wales, Queensland, South Australia, and Western Australia is based on legal protection and regulations controlling the kangaroo harvest. The Commonwealth has the capability to approve, disapprove or require modification of kangaroo management programs from those States wishing to export kangaroo products so a consistency in planning and implementing management actions occurs within mainland Australia. The States have the responsibility to regulate all aspects of the kangaroo harvest, to provide adequate law enforcement, to conduct appropriate management and research, to monitor populations especially during drought events, and the States have the ability to modify harvests if environmental or other variables unexpectedly impact kangaroo populations. It is the present good condition of kangaroo management in mainland Australia that causes the Service to find the action recommended by the petition to delist the three species of kangaroos, filed by the Wildlife Legislative Fund of America, to be warranted.

The Monitoring of Recovered Kangaroo Species

Requirements of the Act for monitoring of recovered species also apply to foreign species. Those requirements include the implementation of a monitoring program to ensure that the species continues to fare well after the delisting action is finalized. The Service is primarily dependent on input from the foreign country in the monitoring of recovered species in foreign lands.

Monitoring plans frequently address population parameters, distribution, the health of the species, the conditions of the habitat for the species, and any new threats identified as relevant to the species. The monitoring plan for the 3 kangaroos would require that the Commonwealth Government provide an annual report to the Service, by the end of the calendar year, for each of the five years following the finalization of this rule. The monitoring plan would need to contain information describing:

1. Estimated populations for each species within each harvest State using best technologies currently available;
2. Details of commercial and non-commercial mortalities, using best technologies currently available;
3. Current distribution of the species, using best technologies currently available;
4. Extent of lands set-aside for parks and reserves that provide protected and useful habitats for kangaroos;
5. Changes in regulatory programs that impact the well-being of the species;
6. New threats to the species; and
7. Progress towards the successful implementation of the Total Grazing Management Policy (TGMP) that strives to balance the forage demands of all herbivore consumers with available range resources to enhance the conservation of range ecosystems. Programs that enhance the value of kangaroos so they are managed as important wildlife resources are important aspects of a TGMP. It is anticipated that a successful TGMP will have long-term population goals for kangaroo species in different ecosystems. The Service recognizes that short-term population fluctuations in response to drought or other environmental event are not evidence.
that long-term population goals are not being achieved.

The Service has the responsibility to annually review the monitoring reports and to access the continued recovery of the species. Three alternatives exist after the 5-year monitoring program has been concluded: They are: (1) If the species no longer meet the 5-factor test for recovery then they should be relisted using the emergency listing procedures; (2) if the species are stable but threats are increasing then the monitoring efforts should continue; and (3) if the species are stable or increasing and the 5-factor test is still met, then the monitoring effort can be discontinued. The Service can invoke emergency listing procedures at any time in response to a significant threat to the well being of any of the three species.

Effects of this Proposed Rule

Individuals of any species listed as Threatened can be imported into the United States, with suitable permits, for scientific purposes, enhancement of propagation or survival of the species, educational purposes, zoological exhibition, or special purposes consistent with the purposes of the Act. A special regulation was published at the time that the red, eastern gray, and western gray kangaroos were listed as Threatened in 1974 that made it unlawful to import these species, or their parts or products, into the United States for commercial purposes until the Australian States met those conditions, and a special regulation was published in the Federal Register (46 FR 23938) which made it lawful to import the three species of kangaroos for commercial purposes provided they were tagged or otherwise identified as removed from the wild in accordance with the management plans of the United States. The Service published a Final Rule on August 1, 1983 (48 FR 34757) permitting the commercial importation of kangaroos to continue.

The effect of this delisting action will be negligible because the restrictive regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service’s reasons for this determination was published in the Federal Register of October 25, 1983 (48 FR 49244).

References Cited


Author

Dr. Henry L. Short, Office of Scientific Authority, U.S. Fish and Wildlife
PART 17—[AMENDED]

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


List of Subjects in 50 CFR Part 17

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

Proposed Rule

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

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by removing the entries for the eastern gray kangaroo (Macropus giganteus, all subspecies except tasmaniensis), the red kangaroo (M. rufus) and the western gray kangaroo (M. fuliginous) from the List of Endangered and Threatened Wildlife.

§ 17.40 [Amended]

3. It is proposed to remove and reserve paragraph (a) of § 17.40.


Bruce Blanchard,
Deputy Director.
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