Federal Register / Vol. 44, No. 174 / Thursday, September 6, 1979

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
Changes to the Special Rule Concerning the American Alligator

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The special rule concerning the American alligator, Alligator mississippiensis, found at § 17.42(a) is amended to authorize the taking of American alligators in the State of Louisiana in those twelve parishes in which the American alligator is listed under § 17.11 as threatened-similarity of appearance (Cameron, Vermilion, Calcasieu, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines), provided that the hides of such alligators are only sold or offered for sale to persons holding a valid Federal permit to buy hides issued under the special rule and the meat or other parts, except hides, of such alligators are sold only in the State of Louisiana in accordance with the laws and regulations of that State.

DATES: This rule is effective on September 6, 1979.


SUPPLEMENTARY INFORMATION

Background

On October 2, 1978 (43 FR 45513–45517), the Service published a proposed reclassification of the American alligator under § 17.11 from threatened to threatened-similarity of appearance in nine additional parishes in Louisiana (Iberia, St. Mary, Terrebonne, Lafourche, St. Charles, St. Bernard, Jefferson, Plaquemines, and St. Tammany) and proposed changes to the special rule concerning the American alligator, § 17.42(a), which included authorization to conduct a controlled harvest of American alligators in those twelve parishes in Louisiana where the alligator is classified as threatened-similarity of appearance. On June 23, 1979 (44 FR 37130; correction made in 44 FR 42911, July 20, 1979), the Service published a final rule reclassifying the American alligator in those nine additional parishes. On July 18, 1979 (44 FR 41894–41899), the Service proposed changes to the special rule concerning the American alligator which again included authorization to conduct a controlled harvest in Louisiana. Final rules will be published and become effective in mid-September, at least sixty days after publication of the proposed rules in the Federal Register, as required by the Endangered Species Act of 1973. The Service's consistent intent throughout these rulemakings has been to classify the American alligator in twelve Louisiana parishes as threatened-similarity of appearance and to authorize a controlled harvest in these areas subject to state and federal law. See 43 FR 45518 (October 2, 1978) and 44 FR 37131 (June 25, 1979). However, the special rule in its present form specifically authorizes a controlled harvest in three parishes only, despite the fact that the American alligator has been listed as threatened-similarity of appearance in nine additional parishes. See 50 CFR § 17.42(a)(1)(i)(E). This final rule would clarify that a controlled harvest is authorized under federal law in all twelve parishes where the American alligator is listed threatened-similarity of appearance.

This rule also amends the existing special rule by authorizing the sale of meat and other parts, except hides, within Louisiana subject to the laws and regulations of that state. This amendment was proposed in the October 2, 1978 rulemaking. See 43 FR 45515–45516.

Summary of Comments

In the October 2, 1978 Federal Register proposal (43 FR 45513–45517) and the accompanying September 29, 1978 press release, the general public, State, Federal and other interested parties were asked to submit comments on any aspect of the proposal. The Service also requested comments during a reopened public comment period [May 10–June 5, 1979] and received comments on the proposal at public hearings held on May 25, 1979 at Morgan City, Louisiana and May 29, 1979 at Tallahassee, Florida.

The Service has carefully considered these comments. Those comments relating to the reclassification of the
American alligator in the nine additional Louisiana parishes as threatened-similarity of appearance and authorization for a controlled harvest in these areas were summarized in the June 25, 1979 rulemaking and will not be repeated. See 44 FR 37130-37131. The Service has determined that a controlled harvest of the American alligator listed as threatened-similarity of appearance is consistent with their conservation.

The Service received six written comments concerning the question of the sale of American alligator meat and parts other than hides. Five written comments generally supported the Service's proposal and one opposed it. These comments are summarized below.

The State of Louisiana (Governor Edwin Edwards) and the Florida Game and Freshwater Fish Commission (Colonel Robert Brantly) supported the sale of meat and other parts, but urged the Service to allow interstate commerce in these items as well. This position was based on the rationale that meat would be wasted if it could be legally sold only in the state of taking and that the Service's proposal would unnecessarily restrict the sale of educational materials by biological supply houses.

Little Pecan Wildlife Management Area (Robert A. Koll) favored the proposal on the ground that it would prevent the waste of American alligator meat and would stimulate the local economy.

The Southwest Florida Regional Alligator Association (SFRAA) opposed the sale of meat without explanation. At the Morgan City, Louisiana, public meeting, a number of oral comments were presented. Only three statements were made addressing the sale of meat and other parts. All three were from governmental representatives.

Mr. Richard Yancey (Assistant Secretary, Louisiana Department of Wildlife and Fisheries) urged the Service to allow the sale to occur outside the State of Louisiana. Reasons given to support his position paralleled those raised by the Governor of Louisiana, which have been discussed above.

State Senator Jesse Knowles, Vice Chairman of the Resources Committee of the Senate for the State of Louisiana, suggested alligator meat be available as a food source for the entire country, noting that such a program would provide additional economic benefit for trappers in Louisiana.

Mr. Doyle C. Berry (Chairman, Louisiana Wildlife and Fisheries Commission) supported the export of meat so profits could be used to further substantiate the state program.

At the Tallahassee, Florida public meeting, two participants discussed the sale of meat.

Mr. Alan Eggert (Florida Game and Freshwater Fish Commission) supported the sale of meat within the state of origin and argued that workable regulations could be promulgated to allow both interstate and foreign commerce in legally taken alligator meat.

Mr. J. Don Ashley (Director, Southeastern Alligator Association) supported the sale of meat under regulation and with the imposition of licensing and record-keeping requirements.

The Service has reviewed all the applicable comments and the Director has determined that the sale of meat or other parts, except hides, from American alligators taken lawfully in the State of Louisiana would prevent the wasting of a valuable resource. However, the meat and other parts, except hides, may be sold only in the State of Louisiana in accordance with state laws and regulations. Licensing and record-keeping requirements imposed by the State of Louisiana have facilitated effective enforcement with respect to the sale of American alligator meat and other parts within Louisiana. However, no regulatory scheme exists which would provide effective enforcement outside of states with such licensing and record-keeping systems.

Effect of the Rulemaking

The effect of this final rulemaking is to amend § 17.42(a)(1)(i)(E) to immediately authorize, subject to two conditions (see below), the taking of American alligators in accordance with the laws and regulations of the State of Louisiana in those twelve parishes in which the American alligator is listed under § 17.11 as threatened-similarity of appearance (Cameron, Vermilion, Calcasieu, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines). As a result, the State of Louisiana now has clear authority to conduct a controlled harvest starting on September 7, 1979. The taking of hides is authorized, subject to the two conditions required by 5 U.S.C. 553(d)(3), for this rulemaking. It is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Washington, D.C. 20005, and may be examined during regular business hours.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this rulemaking. It is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Washington, D.C. 20005, and may be examined during regular business hours. This assessment forms the basis for the decision that this is not a major Federal action which would significantly affect the quality of the human environment within the remaining of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rulemaking is Mr. John T. Webb, Paralegal Specialist, Division of Law Enforcement, (202) 343-9242.

Regulations Promulgation

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

§ 17.42 (Amended)

1. Paragraph (a)(1)(i)(E) of § 17.42 is revised to read as follows:

(a) • • •

(i) • • •

(j) • • •

(F) Any person may take American alligators in Cameron, Vermilion, Calcasieu, Iberia, St. Mary, Terrebonne, St. Bernard, St. Tammany, Lafourche, St. Charles, Plaquemines, and Jefferson Parishes in accordance with the laws and regulations of the State of Louisiana provided the following requirements are met:

(1) That hides of such alligators are only sold or offered for sale to a person holding a valid Federal license to buy

prohibited activities with these items outside the State if undertaken for one of the following purposes: scientific purposes; or the enhancement of propagation or survival; economic hardship; zoological exhibition; educational purposes; or special purposes consistent with the purposes of the Act.
50 CFR Part 32
Opening of the Parker River National Wildlife Refuge, Massachusetts, to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Parker River National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1979, through January 31, 1980.


SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 490k) authorizes the Secretary of the Interior to administer such areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1980. The public is invited to offer suggestions and comments at any time.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

William C. Ashe, Acting Regional Director, Fish and Wildlife Service.

August 27, 1979.

BILLING CODE 4310-55-M

50 CFR Part 32
Hunting; Opening of Certain National Wildlife Refuges in Arizona, California and New Mexico.

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of upland game on certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California and New Mexico.

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hides, issued under this subsection, as a buyer of hides;

(2) The meat and other parts are sold only in the State of Louisiana, and only in accordance with the laws and regulations of that State.

2. Paragraph (a)(2)(iv) is amended by adding the following words after the words "occurring in the wild in * * *":

(a) * * *
(2) * * *
(iv) * * * Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, Plaquemines * * *

The Department has determined that this rule is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.