Final Findings for Export of American Alligator and American Ginseng Taken in 1980–81 Season

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Notice of final findings.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Service is continuing the practice of developing general Scientific Authority and Management Authority findings on the export of certain species, applicable to all specimens taken in a particular season. This approach is more manageable, and less cumbersome than the alternative of developing findings on a permit-by-permit basis for species subject to extensive international trade.

The Service published proposed findings on the export of American alligators, American ginseng and certain other species in the September 29, 1980, Federal Register (45 FR 64520). That publication contained a summary of information supplied by state agencies on the biology, management, and harvest of ginseng, and it cited earlier references providing such information for the alligator.

American Ginseng (Panax Quinquefolius).

Criteria used by the Service in determining if the export of ginseng will not be detrimental to the survival of the species were the same as those used by the Endangered Species Scientific Authority (ESSA) in previous years: The ESSA proposes to approve export of wild American ginseng from those states that have implemented substantial programs to conserve the species whose populations can support the harvest. Acceptable conservation programs generally must include some form of research and regulations designed to monitor the status of the state's wild populations to provide annual harvest estimates, and to control exploitation. The ESSA recognizes the recency of wild plant management in many states and the frequent lack of management authority in state agencies. Consequently, we propose to approve export from certain states whose management agencies lack authority to limit exploitation provided those states have substantial plans for 1979 under existing authority and provided available information indicates that populations of the state can support the harvest. Several state agencies are seeking additional authority from their legislatures. The ESSA wishes to be supportive of new state programs, however, our proposal to approve export for roots harvested in 1979 should not be construed as a precedent for approval in the future.

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Critera used by the Service in determining if ginseng to be exported is not obtained in violation of state or Federal law, which is a Management Authority requirement under the CITES, were described in the September 29, 1980, Federal Register.

The Service considers the following ongoing program operating on either a mandatory or voluntary basis to be necessary to qualify a state's ginseng for export. A mandatory program administered by the State is preferable to a voluntary one, but a functional program is acceptable if the state is working toward regulatory control:

1. An ongoing, state sponsored, American ginseng research program;
2. State certification or registration of dealers and exporters;
3. A requirement that dealers and exporters maintain a record of their commerce in ginseng;
4. A limited taking season to be established by the state to foster survival of the species; and
5. A certificate of legal taking identifying dealer, origin, year of taking, whether wild or cultivated, and weight of the shipment, attached to each export from the state. (This is required only for each export, not for each transaction within the state. This certificate must be presented to Federal officials at the point of export from the United States.)

It should be noted that the Management Authority criteria also were used for decisions on the export of ginseng harvested last year, and that they included conditions (items 1 and 4, above) related to concerns of the ESSA. In view of this, the Service has focused on items 2, 3, and 5 in making Management Authority decisions this year. Further, as with Scientific Authority criteria, the Management Authority criteria are not all absolute requirements. A certificate of legal taking is required for each export. Voluntary state programs for the registration of dealers and voluntary record-keeping are acceptable if they work and if the states are taking steps to institute mandatory registration and record-keeping.

The Service received no written comments from the public in response to the proposed 1980 export findings for ginseng. Accordingly, the Service has determined that wild or artificially propagated ginseng harvested in those states proposed for approval in the September 29, 1980, notice may be exported under the CITES. States for which export of 1980 season ginseng is approved are: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, New York, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin. Both the Scientific Authority and Management Authority criteria are met for these states. The Management Authority will approve export of artificially propagated ginseng only from...
the states listed above because they have the mandatory or voluntary programs necessary to document the source of the plants.

No export is approved for wild or artificially propagated ginseng harvested in other States during the 1980 season. There is no current information on which to base Scientific Authority or Management Authority findings for Alabama, Connecticut, Maine, Massachusetts, Mississippi, New Hampshire, Oklahoma, Rhode Island, South Carolina, and Vermont. Available evidence indicates that wild populations of ginseng cannot support a commercial harvest in Delaware, Louisiana, Michigan, Nebraska, and New Jersey, thus failing to satisfy one of the Scientific Authority criteria. Management Authority criteria also are not met by these states. Pennsylvania has wild populations of ginseng that might support a limited commercial harvest, but there are no current programs of research and regulation for the species at the state level. Consequently, neither Scientific Authority nor Management Authority criteria are met for this state. Ginseng is not reported to be native to any state other than those discussed above.

American alligator (*Alligator mississippiensis*)

The Service proposed to approve the export of alligators taken in Louisiana during the 1980 commercial harvest season and in Florida under the "nuisance" alligator control program during 1980 and 1981 (see 45 FR 64535). Approval of export was proposed in view of information showing increasing alligator populations in both states, and in view of ongoing programs in both states to monitor alligator populations and to strictly regulate the harvest. The Service received no written comments in response to this proposal. The available data demonstrate that export of alligators harvested this season in Louisiana and Florida will not be detrimental to the survival of the species. Controls on the harvest and subsequent commerce in alligators insure that hides to be exported are obtained in compliance with state and Federal law.

In addition, provided that any export of American alligators is in accordance with the Service’s regulations (50 CFR 17.42), which require the licensing of foreign buyers and tanners, and provided that hides are properly tagged, there is assurance that their export would not diminish the effectiveness of the CITES in controlling trade in other crocodilians. There is no evidence to indicate that the export of alligator hides taken in 1979 or in previous seasons had any such effect.

**Future Rulemaking**

The present findings for ginseng and alligator are effective upon publication of this notice. Findings for the export of other Appendix II species discussed in the September 29, 1980, proposal will be published in a later notice. Upon publication of that notice, the Service intends to incorporate the decisions on export of all species subject to such general findings into Part 23 of Title 50, Code of Federal Regulations.

The findings announced in this notice are effective on the date of publication in the Federal Register, because the harvest season for these species has begun and delaying issuance of the findings could adversely impact state conservation programs for these species. The Service also considers a delay in the effective date to be unnecessary because the findings were preceded by an opportunity for comment and because they do not substantially modify an earlier procedure or practice (43 CFR 14.5).

An environmental assessment has been prepared in conjunction with this notice. It is on file in the Service’s Office of the Scientific Authority, room 536, 1717 H Street, NW., Washington, D.C. and may be examined during regular business hours.

This notice was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority (202) 653–5948.

**Note.** The Service has determined that this document does not contain a significant proposal requiring preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

**Dated:** October 17, 1980.

(Final findings for export of American Alligator and American Ginseng taken in 1980–81 season)

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

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