3. Cut-off Procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission’s rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments: Service. Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission’s rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission’s rules.)

5. Number of Copies. In accordance with the provisions of § 1.420 of the Commission’s rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission’s Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
Review of Special Rules on Sea Turtles; Extension of Comment Period
AGENCY: Fish and Wildlife Service, Interior.
ACTION: Extension of comment period.
SUMMARY: The comment period on the Service’s Notice of Intent to review special rules on threatened sea turtles, January 3, 1983 (48 FR 42), is extended to March 9, 1983, in response to requests for extension by several interested parties.
DATE: Comments must be submitted on or before March 9, 1983.
ADDRESS: Comments may be sent to: Mr. Robert Batky, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203.
[FR Doc. 83-503 Filed 2-28-83; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 17
Endangered and Threatened Wildlife and Plants; Proposed Listing of 12 Species of Foreign Mammals as Endangered Species
AGENCY: Fish and Wildlife Service, Interior.
ACTION: Proposed rule.
SUMMARY: The Service proposes that 12 species of foreign mammals be listed as Endangered species as provided for by the Endangered Species Act of 1973, as amended. These species are the Singapore roundleaf horseshoe bat (Hipposideros ridleyi), Ghost bat (Macrourista gigas), Rodriguez Island flying fox fruit bat (Pteropus rodricensis), Bulmer’s flying fox fruit bat (Aproteles bulmerae), Bumblebee bat (Craseonycteris thonglongyai), Buffalohead marmoset (Callithrix flaviceps), Preuss’ red colobus monkey (Colobus predius preussi), Vancouver Island marmot (Marmota vancouverensis), Indus River dolphin (Platanista indi), African wild dog (Lycaon pictus), giant panda (Ailurus fulgens), and Pakistan sand cat (Felis margarita scheffeli). These 12 species are entirely foreign in distribution, none occurring in the United States, or in territories or areas administered by the United States; because of this, no Critical Habitat is being proposed for any of them. Threats that are believed causing their declines include habitat destruction, exploitation as a source of human food (mainly by local peoples), and very restricted distributions and/or extremely specialized habitats. If made final, the proposed rule would provide certain benefits to these 12 species which might assist in assuring their survival; these benefits are discussed in the main body of the proposal.
DATE: Comments from the public and from the governments of the resident countries must be received by June 29, 1983.
ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments or material relating to this proposed rule are available for public inspection, by appointment, during normal business hours at the Service’s Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.
SUPPLEMENTARY INFORMATION:
Background
The following 12 foreign species of mammals are herewith proposed to be added to the List of Endangered and Threatened Wildlife as Endangered species:
Common Name and Scientific Name
Rodriguez flying fox fruit bat, Pteropus rodricensis
Bulmer’s flying fox fruit bat, Aproteles bulmerae
Ghost bat, Macrourista gigas
Singapore roundleaf horseshoe bat, Hipposideros ridleyi
Bumblebee bat, Craseonycteris thonglongyai
Buff-headed marmoset, Callithrix flaviceps
Preuss’ red colobus monkey, Colobus predius preussi
Vancouver Island marmot, Marmota vancouverensis
Indus River dolphin, Platanista indi
African wild dog, Lycaon pictus
Giant panda, Ailurus fulgens
Pakistan sand cat, Felis margarita scheffeli
A brief description of these species and their problems is as follows:
Rodrigues flying fox fruit bat—This bat occurs only on Rodriguez Island in the Indian Ocean, where less than 2% of its original habitat remains. A large area of mixed natural vegetation is essential for these bats so that fruits ripening at all times are available for food; such mixed vegetation has largely been destroyed. In addition, cyclones periodically kill many of the animals, and the human population hunts them for food. In 1955, the bats were thought to exceed 1,000 but by 1965 less than half this number remained. In 1975, it was thought that no more than 80 survived and possibly only 60, but in May 1976, there were estimated to be 120-125 by direct count. The population is continuing to decline and the species may now be close to the lowest possible viable population size. (I.U.C.N. Red Data Book, 1976.)

Bulmer's flying fox fruit bat—This bat was first discovered among fossil remains dating back 9,000 to 12,000 years in Central Papua New Guinea (Menzies, 1979). Shortly thereafter, one living specimen was taken in 1975 in the Hindenberg Ranges of far western Papua New Guinea. It had been killed by a native hunter in a large cave at an altitude of 2,300 meters. In November 1977, an intensive effort was made to locate this species, but a local hunter had already killed or driven away nearly the entire colony from the cave in which it was originally found (Hyndman and Menzies, 1980).

Ghost bat—This bat occurs now only in northern Australia, where fewer than several thousand are thought to survive; it formerly also occurred in central and southwestern Australia. Populations have been destroyed, and continued to be destroyed, by open-cut limestone quarrying which eliminated roosting caves. In addition, tourism is becoming increasingly a problem because tourism is on the rise, especially in areas where the bat is most abundant. (I.U.C.N. Red Data Book, 1978; Hamilton-Smith and Champion, 1976.)

Bumblebee bat—This bat has been found only at Sai Yoke, Kanchanaburi Province, Western Thailand. Roosting habitat consists of the hot upper chamber of caves in limestone hills. Foraging habitat is teak-bamboo forest where the bats feed around the tops of the dominant plants. This teak-bamboo forest has been highly affected by deforestation and teak logging above the sustainable rate. Vast areas of potential habitat have been lost, and loss of this habitat is probably a significant threat. (Bain and Humphrey, 1980.)

Singapore roundleaf horseshoe bat—This Malayan species has only been taken twice, once in Singapore in 1910, and the second time near Kuala Lumpur. It inhabits lowland peat forest which occur in Malayia only in small, isolated patches. In recent years, this habitat has been heavily logged which has reduced the already limited range of the bat considerably. The Kuala Lumpur specimen was taken as recent as 1975, the total population was estimated to be less than 50 animals. (I.U.C.N. Red Data Book, 1978; Medway, 1980; Could, in press.)

Buff-headed marmoset—The species currently survives in reduced and fragmented populations in the Espiritu Santo Range and possibly in northern Rio de Janeiro and Minas Gerais, Brazil; it was formerly much more widely distributed in the mountainous regions of southeastern Brazil. It is threatened by widespread habitat disruption and destruction, and has already disappeared from much of its former range. "Any commercial exploitation would be disastrous." Numbers of animals are unknown, but the distribution is "very small." (I.U.C.N. Red Data Book, 1978, 1981.)

Preuss's red colobus—The species occurs only in the lowland evergreen forest of Cameroon. Its habitat of mature forest with emergent trees renders it particularly susceptible to logging activities. This species is still hunted for food. The range is very restricted and the animal only survives in the Korup Reserve and perhaps in the Ejiham Reserve. In this area it is confined to a strip of forest approximately 60 km wide and 120 km long, along the Cameroon side of the Cameroon-Nigerian border. In historical times it probably ranged from the Cross to the Sanaga Rivers in Cameroon and southeast Nigeria, but it is now extinct in Nigeria and its range greatly reduced in Cameroon. It is estimated that fewer than 8,000 animals survive. The greatest threat is logging activity which results in fragmentation of the forest canopy. It also falls on easy prey to the hunter and is commonly taken for food. (I.U.C.N. Red Data Book, 1978; Wolffheim, 1974; Struhsaker, 1975.)

Vancouver Island marmot—This marmot occurs only on Vancouver Island, British Columbia, where active colonies are known from only four general locations. The total population is between 50 and 100 animals, an obvious decline in numbers from past populations. This species lives in alpine and sub-alpine areas characterized by steep slopes, talus debris and open meadow. Steep slopes are preferred because avalanches clear them of snow in the spring which provides early foraging. Avalanches also inhibit tree growth, and thus allow for preferred plants to grow. Ski developments have eliminated some suitable areas, and proposed developments will remove more. Logging may also have an adverse effect on habitat. Because of the restricted habitat for this species, any reduction must be viewed with alarm (Munro, 1979).

Indus River Dolphin—This cetacean is entirely fresh water in distribution, being found only in a section of the Indus River and some of its tributaries in northern India. Formerly it was known to have occurred in the Indus River and its tributaries from the foothills of the Himalayas to the sea. Threats to the species' survival include destruction of river habitat as increasing amounts of water are drawn out for irrigation purposes, and indiscriminate killing of dolphins for food purposes. Population estimates (1975) place the number of these dolphins at between 450 and 600, and indicate that the species is still declining (I.U.C.N. Red Data Book 1976; Kasuya and Nichiwaki, 1975.)

African wild dog—This species has been, and continues to be, widely persecuted as an unwanted predator. It formerly occurred in most of Africa south of the Sahara, but has been wiped out in South Africa (except in the vicinity of Kruger National Park), and has declined greatly in all other areas. Malcolm (1980) estimates that fewer than 7,000 individuals still survive in all Africa.

Giant panda—The giant panda occurs within a restricted range in the mountains of southwestern China (Szechwan, and extreme southern Kansu and Shensi Provinces). Formerly it was widely distributed over southern and eastern China, but massive habitat disruption eliminated the species from all but the most remote areas at a very early date in Chinese history. According to the New China News Agency (1980), recent threats to the continued survival of the species include the sudden dying out of arrow bamboo (the panda's main food) in recent years, and vulnerability of the pandas to earthquakes (138 died in earthquakes in 1975 and 1976). Arrow bamboo flowers but once in every 60 to 100 years after which it dies. Some years are required after the die-off for the seeds to take root and to produce plants which are sufficient to support the panda populations. Records indicate that a similar dying of the arrow bamboo occurred in the 1870's and 1880's but that pandas then could range more widely to find food than they can today, and hence were able to survive. The current concern is that the populations of pandas may have fallen.
to such a low numerical level, and be so restricted in distribution, that the natural die-off of the bamboo may prove fatal to the survival of the panda. It is estimated today that, in all of China, fewer than 1,000 pandas survive. (I.U.C.N. Red Data Book, 1976; Chorn and Hoffman, 1978.)

**Pakistan sand cat**—This cat is confined to the Chagai area of northern Pakistani Baluchistan. It apparently has always been rare, but declined drastically between 1960 and 1972 when it was relentlessly exploited for the live animal trade. Since that time, it has been extremely difficult to find in the wild. Although it is not protected from export in Pakistan, and is on Appendix II of the C.I.T.E.S, any sort of illegal trade in the species could prove fatal. Even given strict trade control, the small range of the animal and its rarity within that range make it highly vulnerable, particularly since there are no reserves or known breeding groups in captivity. (I.U.C.N. Red Data Book, 1976.)

### Summary of Factors Affecting the Species

Section 4(a) of the Act (16 U.S.C. 1531 et seq.) states:

**General**—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following 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; or

(E) other natural or man-made factors affecting its continued existence.

The relationship of the 12 species herein proposed for Endangered status to the specific factors above are as follows:

**Rodriguez flying fox fruit bat**—(A) The habitat is restricted to the tiny island of Rodriguez in the Indian Ocean, and less than 2% of the original habitat of the bat remains on this island; (B), (C), (D) not applicable; (E) the species is threatened by the native islanders for food purposes.

**Bumblebee bat**—(A) The teak-bamboo forests inhabited by this bat have been heavily logged, and vast areas of potential habitat have been destroyed; (B), (C), (D), (E) not applicable.

**Chu-chuang bat**—(A) This bat has been reduced in numbers through destruction of habitat in connection with open-cut limestone mining operations; (B), (C), (D) not applicable; (E) vandalism of roosting caves is becoming increasingly a problem.

**Singapore roundleaf horseshoe bat**—(A) The very limited, patchy habitat has been heavily timbered in recent years to the extreme detriment of the bat; (B), (C), (D), (E) not applicable.

**Buff-headed marmoset**—(A) Habitat destruction has been very widespread over the restricted range of this animal; (B), (C) not applicable; (D) before the enactment of protective laws, this marmoset, along with numerous other primate species, was exploited for the bio-medical and pet trade which resulted in reduced biological potential for the species’ survival; (E) not applicable.

**Preuss’s red colobus**—(A) Logging activities within its very restricted range have reduced available habitat drastically; (B), (C), (D) not applicable; (E) the species is widely hunted for food by native peoples.

**Vancouver island marmot**—(A) Ski and other recreation developments have destroyed, and will continue to destroy essential habitat; logging is also destroying habitat; (B), (C), (D) and (E) not applicable.

**African wild dog**—(A), (B), (C) not applicable; (D), (E) this species is widely regarded as an unwanted predator and is trapped, poisoned, or otherwise killed throughout its range * * * there are no existing regulatory mechanisms to protect it, except in the wildlife parks and reserves.

**Indus River dolphin**—(A) Increasing amounts of water are being drawn out of the river system for irrigation purposes where the dolphin occurs, thus reducing the amount of available habitat; (B), (C), (D) not applicable; (E) the dolphins are still widely exploited by native peoples for food purposes.

**Giant panda**—(A) Habitat disruption over the centuries has reduced this species’ range to isolated, mountainous areas; (B), (C), (D) not applicable; (E) the species is, because of its now restricted range, highly vulnerable to such natural calamities as die-off of its preferred food (arrow bamboo), and earthquakes.

**Pakistan sand cat**—(A) Not applicable; (B) this cat was heavily exploited by commercial animal dealers from 1967 to 1972 for the pet trade (although this trade has now been controlled, the cat has apparently not been able to recover from the overexploitation); (C), (D), (E) not applicable.

### Effects of the Proposal if Published as a Final Rule

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50, and are summarized below.

With respect to the 12 species of mammals in this proposed rule, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce.

### Purpose of the Listing

The Service feels that the listing of these 12 species as Endangered pursuant to the Act will aid in their conservation in the following ways:

(1) It will draw the world’s attention (including that of the resident countries) to the plight of these animals, and encourage these countries to take all possible measures to assure their conservation and proper management.

(2) It will assure that the United States does not contribute to their decline by providing any sort of commercial market for these animals.

(3) It will enable the United States to make U.S. expertise available, upon request, to assist in developing conservation and management programs for these species.

(4) It can, under certain circumstances, make U.S. funds available to assist in conservation and management efforts pertaining to these species.

Any one of these factors might prove of significance in insuring the survival of any of the 12 species involved in the proposal.

### Information Requested

The Service is requesting information on impacts that might result from the listing of these 12 foreign mammals as Endangered, and information on possible alternatives to the listing. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, and
in preparing any required analyses of effect.

Literature Cited


Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of these Endangered species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological and other relevant data concerning any threat (or lack thereof) to these species and;

2. Additional information concerning the range and distribution of the species.

The Endangered Species Act Amendments of 1982 have provisions for a Public hearing if requested, in writing, within 45 days of the date of this proposal. Requests should be addressed to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of a final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, implemented at 40 CFR 1500-1508.

Author

The primary author of this proposed rule is John L. Paradiso, Office of Endangered Species (703/235-1973).

List of Subjects in 50 CFR Part 17


PART 17—(AMENDED)

Accordingly, 50 CFR 17.11(h) is amended as follows:

1. By adding the Rodriguez flying fox fruit bat, Bulmer's flying fox fruit bat, ghost bat, bumblebee bat, Singapore roundleaf horseshoe bat, buff-headed marmoset, Preuss's red colobus, Vancouver Island marmot, Indus River dolphin, African wild dog, giant panda, and Pakistan sand cat to the list alphabetically, under "Mammals" as indicated below:

§ 17.11 Endangered and threatened wildlife

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<th>Species</th>
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<th>Historic range</th>
<th>Vertebrate population where endangered or threatened</th>
<th>Status</th>
<th>When listed</th>
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Dated: February 1, 1983.

G. Ray Arnett,
Assistant Secretary for Fish and Wildlife and Parks.

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