

Endangered Species Act Federal Register

Friday
July 20, 1979

Part III

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and
Plants; Final Threatened Status for West
African Manatee

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Threatened Status for West African Manatee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines that the West African manatee (*Trichechus senegalensis*) is a threatened species. This action was prompted by a petition and supporting data submitted by the Marine Mammal Commission, a federal body created in part to study the status of marine mammals. This rule brings into effect certain measures that may benefit the species and result in its restoration.

DATES: This rule becomes effective on October 16, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The West African manatee occurs in the coastal waters and adjacent rivers along the west coast of Africa from the mouth of the Senegal River (16° N), south to the mouth of the Cuanza River (9° S) in Angola. Its range includes parts of the following countries: Senegal, Gambia, Guinea-Bissau, Upper Volta, Niger, Guinea, Sierra Leone, Liberia, Ivory Coast, Ghana, Togo, Benin, Mali, Nigeria, Cameroon, Chad, Equatorial Guinea, Gabon, Congo (Brazzaville), Zaire and Angola. Its present range is thought to be comparable with its historic range.

On November 18, 1977, the Service was petitioned by the Marine Mammal Commission to list the West African manatee as a threatened species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1543). The Service considered the data provided by the Marine Mammal Commission to constitute substantial evidence under section 4(c) of the Act, and on May 17, 1978, published in the Federal Register (43 FR 21338) a proposal to list the West African manatee as a threatened species.

Summary of Factors Affecting the Species**Section 4(a) of the Act 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:

- (1) The present or threatened destruction, modification or curtailment of its habitat or range;
- (2) overutilization for commercial, sporting, scientific or educational purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) other natural or man-made factors affecting its continued existence."

The authority to list species has been delegated to the Director.

The West African manatee is threatened as a result of factors (1), (2), (4) and (5). The appropriate portion of the petition from the Marine Mammal Commission detailing these factors is reproduced below:

"The West African manatee is known from the coastal waters and adjacent rivers along the west coast of Africa from the mouth of the Senegal River (16° N) [between Mauritania and Senegal], southward to the mouth of the Cuanza River (9° S) in Angola. Its range includes parts of the following countries: Senegal, Gambia, Guinea-Bissau, Upper Volta, Guinea, Sierra Leone, Liberia, Ivory Coast, Ghana, Togo, Benin, Mali, Nigeria, Cameroon, Chad, Equatorial Guinea, Gabon, Congo (Brazzaville), Zaire, and Angola. Its present range is thought to be comparable to its historic range.

"Husar (Mammalian Species, in press) has summarized what is known of the status of this species. No estimates of past or present population size are available. In at least one area, the Niger and Mekrou Rivers along the northern boundary of Benin (formerly Dahomey), it has been exterminated by local hunting (Poache, *Oryx* 12(2): 216-22, 1973). Manatees are taken by guns and harpoons in Liberia and Sierra Leone, where existing protective regulations are routinely ignored (Robinson, *Oryx* 11(2-3): 117-121, 1971). Ritual hunting for manatees still takes place in Ghana (Cansdale, *Oryx* 7(4): 168-171, 1964). In Nigeria, the species has traditionally been hunted by use of grass-baited traps (Dollman, *Nigeria Nat. Hist. Mag.* 4: 117-125, 1933; Allen, *Am. Comm. for Intern. Wildl. Protect.*, Spec. Publ. No. 11, 620 pp., 1942), a practice which continues there "unrestrained" despite legal prohibitions (Sikes, *Oryx* 12(4): 465-470, 1974). Native hunting in Zaire and Angola, on the lower Congo, was said to be reducing the manatee population (Derscheid, *Rev. Zool., Africaine Bull. Cercle Congolaise* 14(2): 23031, 1928; Allen *Loc. cit.*) and hunting continued as recently as 1952 (Bouveignes, *Zooleo* 41(4): 237-244, 1952). For most areas, it seems fair to assume that subsistence hunting is, or has been intense, and that many local stocks are depressed. Fortunately, large-scale

commercial exploitation has never been directed at *T. senegalensis* (Husar, *loc. cit.*).

"In addition to direct hunting by natives, other factors may have a negative impact on the species. Wood (*Nigerian Field* 6(1): 23-28, 1937) described the way Nigerian fishermen, in 1932, trapped 46 manatees in the Anambra creek system, apparently exterminating them from the area. The men did it because they regarded the animals as a nuisance to canoe traffic. Manatees are susceptible to accidental drowning in fish nets, particularly those set for sharks; this phenomenon has been documented in Senegal by Cadenat (*Bull. Inst. F. Afr. Noire* 19 A(4): 1358-1383, 1957). The extent of shark netting in West African waters is not known, so its impact on manatees there cannot be assessed (Husar, *loc. cit.*). Likewise, the degree to which manatees are injured by accidentally collisions with motor-boats in West Africa is unknown (Husar, *loc. cit.*); experience in Florida with *T. manatus* (Hartmen, PhD Thesis, Cornell University, 1971) suggests that it could contribute substantially to mortality in heavily trafficked areas.

"The West African manatee is currently protected under Class A of the African Convention for the Conservation of Nature and Natural Resources, 1969. However, enforcement of this convention is reported to be ineffective (Husar, *loc. cit.*). Some forms of additional legal protection exist in most countries where the West African manatee occurs, but the problems of enforcement and education are seemingly universal. The presence of the species in reserves gives some guarantee of protection (see Howell, *Nigerian Field* 33(4): 32-35, 1968; Dupuy and Verschuren, *Oryx* 14(1): 36-46, 1977). The West African manatee is listed as vulnerable by the IUCN, whose Red Data Book notes that 'the high value of the meat has been an irresistible incentive for killing.' *T. senegalensis* is also included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

"If hunting and habitat modification continue uncontrolled, this species will become more seriously depleted. Damming of rivers and increased boat and ship traffic in many areas may contribute to its decline. Assuming that it is not one already, *T. senegalensis* is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Therefore, the Commission recommends that it be classified as 'threatened' under the Endangered Species Act of 1973, until more is known about its status."

Effects of the Rulemaking

The West African manatee is already protected by the Marine Mammal Protection Act. (16 U.S.C. 1362 (5)-(6); 50 CFR 18.3). Among other things, that Act imposes significant restriction on importation of the Species into the United States. (16 U.S.C. 1371(a), 1372(b)-(c); 50 CFR 18.12). Listing the manatee as a threatened species under the Endangered Species Act will not only provide an additional prohibition

against importation, but will also restrict transportation or sale in interstate or foreign commerce. (16 U.S.C. 1533(d), 1538(a)(1)(G); 50 CFR 17.31(a). Under each Act, permits are available in certain instances for scientific and zoological display purposes. (16 U.S.C. 1371(a)(1), 1372(b), 1374(c); 50 CFR 17.32, 18.31). Listing of the West African manatee as threatened will allow the United States to try to: (1) Make the countries in which it is resident aware of the importance of manatee protection; (2) make available to scientists of other countries the results of manatee research undertaken under U.S. sponsorship in such form as to be helpful to them in developing their own research plans; (3) encourage other countries to undertake comprehensive surveys of the status and distribution of this species; (4) encourage other countries to establish reserves; (5) encourage reintroductions to other areas once they are well established in protected habitat; and (6) encourage the acquisition of study specimens, that might not otherwise be available, for purposes of scientific research of animals taken incidental to net fisheries.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 specify that the following be added at the end of subsection 4(a)(1) of the Endangered Species Act of 1978:

"At the time any such regulation [any proposal to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall by regulation,

to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat."

Since the West African manatee is a foreign species for which critical habitat may not be designated, this amendment does not apply.

The Endangered Species Act Amendments of 1978 further state the following:

"(B) In the case of any regulation proposed by the Secretary to carry out the purposes of this section with respect to the determination and listing of endangered or threatened species and their critical habitats in any State (other than regulations to implement the Convention), the Secretary.—

"(i) shall publish general notice of the proposed regulation (including the complete text of the regulation), not less than 60 days before the effective date of the regulation;

"(I) in the Federal Register, and

"(II) if the proposed regulation specifies any critical habitat, in a newspaper of general circulation within or adjacent to such habitat;

"(ii) shall offer for publication in appropriate scientific journals the substance of the Federal Register notice referred to in clause (i)(I);

"(iii) shall give actual notice of the proposed regulation (including the complete text of the regulation), and any environmental assessment or environmental impact statement prepared on the proposed regulation, not less than 60 days before the effective date of the regulation to all general local governments located within or adjacent to the proposed critical habitat, if any; and

"(IV) shall—

"(I) if the proposed regulation does not specify any critical habitat, promptly hold a public meeting on the proposed regulation within or adjacent to the area in which the endangered or threatened species is located.

if request therefore is filed with the Secretary by any person within 45 days after the date of publication of general notice under clause (i)(I), and

"(II) if the proposed regulation specifies any critical habitat, promptly hold a public meeting on the proposed regulation within the area in which such habitat is located in each State, and, if requested, hold a public hearing in each such State."

The Service has complied with each of the applicable requirements. Accordingly, the Service is proceeding at this time with a final rule to determine this species as threatened pursuant to the Endangered Species Act of 1973.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the West African manatee. The assessment is the basis for a decision that issuance of this rule is not 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.

The primary author of this rulemaking is John L. Paradiso, Office of Endangered Species (703/235-1975).

Regulations Promulgation

Accordingly, Part 17, Subpart B, Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

In § 17.11, add the following in alphabetical order under "Mammals" to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

Species		Range			Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion endangered			
Manatee, West African.....	<i>Trichechus senegalensis</i>	N/A	Coast and rivers of West Africa ..	Entire.....	T	None

Dated: June 25, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-22416 Filed 7-20-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reclassification of the American Alligator in Nine Parishes in Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction.

SUMMARY: In the June 25, 1979 Federal Register (44 FR 37130-2), the Service published its final determination that the American alligator should be reclassified to Threatened (Similarity of Appearance) in nine southern Louisiana parishes. In that document, the nine parishes were inadvertently left off the table which summarizes the various status classifications of the alligator

throughout its range. This correction adds those parishes to the table.

DATES: This rule becomes effective on July 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John Spinks, Chief, Office of Endangered Species, U.S. Fish and

Wildlife Service, Washington, D.C. 20240 (703/235-2771).

The regulations promulgation section of the final reclassification of the American alligator in nine parishes of southern Louisiana, as originally

published June 25, 1979 in the Federal Register (44 FR 37130-37132), should appear as follows:

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:

1. Amend § 17.11(i) by changing the status of the American alligator in Louisiana under "REPTILES" on the list of animals to read as follows:

§ 17.11 Endangered and threatened wildlife.

Species		Population	Range		Status	When listed	Special rules
Common name	Scientific name		Known distribution	Portion endangered			
Alligator, American.....	<i>Alligator mississippiensis</i> .	Wherever found in the wild, except in those areas where it is listed as Threatened, as set forth below.	Southeastern United States.....	Entire.....	E	11	N/A
Alligator, American.....	<i>Alligator mississippiensis</i> .	In the wild in FL and in certain areas of GA, LA (except in those parishes listed as T(S/A)), SC and TX, as set forth in Sec. 17.42(a)(2)(v).	U.S. FL and certain areas of GA, LA (except in those parishes listed as T(S/A)) SC and TX.	Entire.....	T	20	17.42(a)
Alligator, American.....	<i>Alligator mississippiensis</i> .	In the wild in Cameron, Vermillion, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines Parishes in LA.	U.S. (Cameron, Vermillion, Calcasieu, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines Parishes in LA).	N/A.....	T(S/A)	11	17.42(a)
Alligator, American.....	<i>Alligator mississippiensis</i> .	In captivity wherever found.....	Worldwide.....	N/A.....	T(S/A)	11	N/A

Dated: July 9, 1979.

Robert S. Cook,
Acting Director, Fish and Wildlife Service.

[F-R Doc. 79-22417 Filed 7-19-79; 8:45 am]

BILLING CODE 4310-55-M