

will be in a document in the **Federal Register** or in a response to comments document placed in the official record for this rulemaking. We will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

You may view public comments and supporting materials in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, we recommend that you make an appointment by calling (703) 603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page.

Dated: August 31, 1999.

**Elizabeth A. Cotsworth,**

*Director, Office of Solid Waste.*

[FR Doc. 99-23278 Filed 9-7-99; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AE04

#### Endangered and Threatened Wildlife and Plants; Proposed Reclassification of Certain Vicuña Populations From Endangered to Threatened and a Proposed Special Rule

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to reclassify vicuña (*Vicugna vicugna*) populations of Argentina, Bolivia, Chile and Peru from endangered to threatened under the U.S. Endangered Species Act (Act or ESA). The recently re-introduced population of Ecuador, treated as a distinct population segment under the Act in accordance with the Service's Policy on Distinct Vertebrate Population Segments (61 FR 4722), will remain listed as endangered. The Service also proposes to establish a special rule (under Section 4(d) of the Act) allowing the importation into the United States of wool and legal vicuña products produced with wool from vicuña populations listed both as threatened under the Act and in Appendix II of the

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), except that the Appendix II semi-captive populations of Catamarca, Jujuy, La Rioja, Salta, and San Juan Provinces in Argentina are specifically excluded from the special rule until such time as their conservation benefit for wild vicuña populations has been demonstrated adequately. It is proposed that importation into the United States of wool and legal vicuña products made from wool that originated from threatened and approved Appendix II populations will require valid CITES export permits from the country of origin and also the country of re-export, when applicable. Should the conservation or management status of threatened vicuña populations change in one or more range countries, the potential would remain to repeal the special rule or reclassify the population as endangered, should that become necessary for the conservation of the vicuña. The Service invites information and comments on this proposed rule. The analysis of the information and comments received could lead to a final decision that would differ substantially from this proposal.

**DATES:** Comments must be received by December 7, 1999. Public hearing requests must be received by October 25, 1999.

**ADDRESSES:** Comments and relevant information concerning this proposal should be sent to the Chief, Office of Scientific Authority; mail stop: Arlington Square, room 750, U.S. Fish and Wildlife Service; Washington, DC 20240, or via E-mail to: r9osa@fws.gov. Comments and materials received will be available for public inspection by appointment, from 8 a.m. to 4 p.m., Monday through Friday, in Room 750, 4401 North Fairfax Drive, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan S. Lieberman, Chief, Office of Scientific Authority, at the above address, or by phone (703-358-1708), fax (703-358-2276), or E-mail (r9osa@fws.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The vicuña (*Vicugna vicugna*) was listed as endangered under the U.S. Endangered Species Act on June 2, 1970. Among other things, the effect of that listing was the prohibition of U.S. interstate or international commerce in vicuña products. All populations of the vicuña were included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna

and Flora (CITES) on July 1, 1975 (the date of entry into force of the CITES Convention), which thereby prohibited all primarily commercial, international trade in vicuña products. Certain populations of vicuña in Chile and Peru were subsequently transferred to CITES Appendix II at the sixth meeting of the CITES Conference of the Parties (COP6) in 1987. The remaining vicuña populations in Peru were transferred to Appendix II in 1994 at CITES COP9, and certain populations in Argentina and Bolivia were transferred to Appendix II in 1997 at CITES COP10. These transfers to Appendix II, reflecting improved conservation status for specified vicuña populations, allow the international trade under carefully controlled conditions, of products manufactured from vicuña wool. This international trade, however, is still excluded from the United States, because of the species' listing under the Endangered Species Act. The United States supported the CITES transfers of the populations to Appendix II, based on the information received at the aforementioned meetings of the Conference of the Parties, where the CITES Parties voted to adopt the proposed transfers to Appendix II. The information in the relevant CITES listing proposals is available on request from the Office of Scientific Authority (see **ADDRESSES** Section).

We received a petition on October 5, 1995, from the President of the International Vicuña Consortium, requesting that the vicuña be removed from the U.S. list of endangered and threatened wildlife, or reclassified with a special rule that would allow for a commercial trade that would benefit the conservation of the species. The petitioners cited the following as reasons for the requested ACTION: (1) Improved management of vicuña populations, (2) improved enforcement and trade controls, and (3) recognition that regulated commerce could be beneficial to both rural communities that share landscapes with vicuñas and the vicuñas themselves. The petitioners provided limited supportive documentation.

Our 90-day finding on whether the petition presents substantial scientific data is subsumed within this proposed rule, which finds that: (1) Reclassification of the vicuña from endangered to threatened is warranted for all range countries except Ecuador; and (2) that a special rule (also referred to as a 4(d) rule) is warranted for all Appendix II populations, with the exception of the Appendix II semi-captive populations of Catamarca, Jujuy, La Rioja, Salta, and San Juan Provinces

in Argentina, which are specifically excluded until such time as their conservation benefit for wild vicuña has been demonstrated adequately.

We base this finding and the proposed rule on information provided in the submissions of the petitioner, other documents including those submitted in support of the aforementioned CITES listing proposals, and the Service's status review for the vicuña, which included interviews with knowledgeable personnel from the vicuña range states, responses to questions asked of each range country, and a 1997 on-site assessment of vicuña populations and management in Argentina, Bolivia, Chile and Peru by a contractor working for the National Fish and Wildlife Foundation (Dr. Henry L. Short, Amherst, Massachusetts). All personal communications and responses to questions asked of range countries cited in the text were received by Dr. Short, unless otherwise noted (see References Cited Section). The Service contracted with the National Fish and Wildlife Foundation in 1997 to evaluate the conservation and management status of vicuña populations, and to make recommendations about the species' status, through a fact-finding mission to vicuña range countries.

The vicuña produces a wool that is of very fine texture (about 12 microns in diameter) that can be woven into luxury garments. Raw wool from vicuña has been legally auctioned at \$500 per kg (\$200 per lb) and an average vicuña fleece provides about 0.2 kg (0.5 lbs) of fiber. Individual vicuña in the high Andean plateaus of South America thus have a fleece that is worth many times that of a sheep and several times that of other species in the family Camelidae, such as alpacas and llamas. This high value, in a resource-poor area, can represent both a threat to the species and an opportunity if the species is managed sustainably. The threat comes from illegal hunting if protection and incentives for management are poor; the opportunity exists if proceeds from the sale of vicuña wool from live-shorn animals are substantially used to enhance the status of native people in the Andean uplands and to encourage them to conserve and protect vicuña.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Act and regulations implementing the listing provisions of the Act (50 CFR part 424) set forth the procedures for adding species to, changing the status of any listed species, or deleting species from the list of endangered and threatened wildlife. A species shall be listed or

reclassified if the Secretary determines, on the basis of the best scientific and commercial data available after conducting a review of the species' status, that the species is endangered or threatened because of any one or a combination 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 human-made factors affecting its continued existence.

We base this proposed rule on an assessment of the five listing factors within the Act. The assessment considers the present biological status of the vicuña within the range countries of Argentina, Bolivia, Chile and Peru. No assessment of the status of the species is made for the small population that has recently been reintroduced into Ecuador. That is a protected population, that will not be exploited in the foreseeable future. We do not propose to change that population's endangered classification under the Act.

Some scientists recognize two subspecies of vicuña—*V. v. mensalis* in the northern portion of the range and *V. v. vicugna* to the south. These are putative subspecies in that they have been described on the basis of slight differences in size and color, and the lack of a prominent chest fringe in *V. v. vicugna* (Canedi and Pasini 1996), rather than on distinct, measured genetic differences between the two. Because the distribution of the vicuña is more or less continuous from north to south within its range, it is possible that these two subspecies simply represent the endpoints of a continuum of physical and genetic variation within the species from north to south. As a consequence, it would be very difficult to draw a definite boundary between the two subspecies for purposes of management or listing under the Act. Therefore, the subspecies are not differentiated in this rule and the term vicuña, used herein, refers to populations of both putative subspecies throughout their total range.

#### (A) The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Approximately 190,000 vicuña are estimated to occur at varying densities on approximately 20,500,000 ha of Andean highlands extending in a rather narrow strip from central Peru through Bolivia, and into northwest Argentina (between 8–30 degrees South latitude). The historical range of the vicuña may have been twice the present

distributional area. A small, disjunct, recently-reintroduced population also occurs in Ecuador.

Vicuña habitats occur in both the Altoandina and Puna Ecoregions. The Altoandina Ecoregion comprises high Andean foothills, escarpments and outcroppings and the Puna Ecoregion represents areas of high plains or tablelands between mountain ranges. The habitats vary climatically on both altitudinal and latitudinal scales but are generally arid and cold, resulting in limited vegetation cover. The habitat of the vicuña in the high Andean plateau region varies from 3,200 to 4,800 m above sea level. This highland habitat has been somewhat degraded by humans and their domesticated livestock, but still represents an extensive habitat for vicuña. The low average density of 1 vicuña per 103 ha reflects the limited carrying capacity of the high Andean habitats as well as the fact that many vicuña habitats are understocked. National Reserves, National Parks, Protected Areas, or Provincial Reserves where vicuña are protected are scattered throughout vicuña habitat in each of the four countries considered in this proposed rule.

#### Argentina

Vicuña distribution in Argentina includes portions of the northwestern provinces of Jujuy, Salta, Catamarca, La Rioja, and San Juan. Vicuña habitats in the Puna and Altoandina Ecoregions of Argentina cover a surface area of about 10,000,000 ha (Canedi 1997, pers. comm.). The area of available habitat has been reduced since the arrival of Europeans in South America, because the species is no longer present in the Patagonian regions of Argentina.

Vicuña habitat in Argentina is bounded to the west by the volcanic chain of the Andean Cordillera in Chile, in the east by the eastern Cordillera and the Sierra Pampeanas mountains, in the north by contiguous vicuña habitat in Bolivia, and in the south, vicuña habitat extends into the Province of San Juan. The general area is characterized by blocks of uplifted mountains surrounding extensive valleys featuring alkaline or saline flats and a rolling topography. Aridity is a common and constant feature of the Puna. Many water courses are temporary but there are occasional areas of damp ground where surface water and green vegetation in the form of rushes, grasses and a variety of succulent plants occur. Much of the thin vegetation cover over most of the Puna consists of grasses and xerophilous half-shrubs (Comisión Regional de la Vicuña, 1994).

Temperatures are cold and frost can occur each day of the year. The carrying capacity of the humid Puna may be as much as two vicuña per ha but in the drier Puna habitats the carrying capacity may only be one vicuña per 30 ha.

The Provinces of Jujuy, Salta, Catamarca, La Rioja, and San Juan have created reserves and other protected areas for vicuña. In Jujuy Province, Los Pozuelos Reserve was created in 1980 and consists of 308,000 ha. About 15,000 ha of this Reserve have been incorporated into the UNESCO Man and Biosphere program as a natural area of international significance. The vicuña population in the Reserve in 1997 was estimated to be 2,750 (CITES 1997a). The Olaró-Cauchari Flora and Wildlife Reserve was created in 1981 to enhance vicuña populations and consists of 543,300 ha. The vicuña population in the Reserve in 1994 was estimated to be 6,500 and growing (CITES 1997a). Other areas where vicuña are protected in Jujuy Province include Vilama (97,000 ha), Santa Victoria (54,600 ha), Palca de Aparzo (55,800 ha), Caballo Muerte (18,500 ha), Casa Colorado (31,000 ha), Abra de Zenta (69,000 ha) and Serranías del Chani (158,900 ha) (CITES 1997a; V. Lichtschein, Management Authority of Argentina, pers. comm. with K. Johnson, Office of Scientific Authority (OSA), 1999). These areas are not listed in the WCMC Protected Areas Database, so we are unclear as to their actual protective status (i.e., whether they are national, provincial, local or private protected areas). The high altitude experimental station (Campo Experimental de Altura or CEA) is located at Abra Pampa in Jujuy Province. This experimental station of 3,000 ha is dedicated to the development of appropriate management procedures to enhance fiber production of vicuña, assure the survival of the species, and to enhance the economic well-being of certain Puna ranchers. The human population is very low throughout the Reserves and protected areas of the Province.

In Salta Province, the Los Andes Wildlife Reserve of 1,440,000 ha was created in 1980. The rigorous climate restricts the human population to very low densities. Agriculture does not exist in this area and the ranching of cattle, sheep, goats and llamas is rudimentary. Although the carrying capacity for vicuña in the Reserve is estimated to be one individual per 30 ha, a partial census in 1993 counted only 2,000 vicuña (CITES 1997a). In Catamarca Province, the Laguna Blanca Wildlife Reserve was created in 1979 and enlarged in 1982 to 973,270 ha at which time it became recognized by the UNESCO Man and Biosphere program

as a natural area of international significance. The human population is very sparse and scattered in the general area of the Reserve. The 1993 vicuña population in Laguna Blanca Reserve was estimated to be 3,505 (CITES 1997a). In La Rioja Province, the Laguna Brava Reserve for Vicuñas and the Protection of Ecosystems was created in 1980 and consists of 405,000 ha. Human habitations do not exist in the Reserve, which is contiguous with the San Guillermo Faunal Reserve in San Juan Province. The 1996 vicuña population in the Reserve was estimated to be 2,187 (CITES 1997a). San Guillermo Faunal Reserve was created in 1972 and consists of 880,260 ha. In 1982 it became part of the UNESCO Man and Biosphere program as a natural area of international significance. This was the first Provincial Reserve dedicated primarily to the protection of the vicuña. This area is devoid of human and domestic animal populations. Although the area has a carrying capacity estimated to be one vicuña per 7 ha of habitat, the 1992 vicuña population in the Reserve was estimated to be only 7,100 (CITES 1997a).

We have virtually no quantitative information on the extent or condition of vicuña habitats outside protected areas in Argentina. Anecdotal information suggests that overgrazing by domestic livestock (leading to soil compaction and desertification) and direct competition for forage with domestic livestock may be important factors limiting the growth of vicuña populations outside protected areas (CITES 1997a). Other information indicates that some competition with domestic herbivores occurs in the arid Puna where precipitation is <300 mm per year but that competition is not as much of a problem in the humid Puna where precipitation may exceed 500 mm per year. A program to combat desertification has apparently been initiated in Jujuy Province (CITES 1997a).

The limited quantitative information presently available to us indicates that vicuña populations throughout Argentina are not endangered by the present or threatened destruction, modification, or curtailment of habitat or range. However, they remain threatened by this factor (especially overgrazing and direct competition with domestic livestock) throughout Argentina. Through this proposed rule, we seek additional, quantitative information on the status of vicuña habitats throughout Argentina. We especially seek detailed information on land use restrictions (for example, prohibitions on the grazing of domestic

livestock) and protective measures (for example, antipoaching efforts) within protected areas, and on efforts to manage habitat outside protected areas (including programs to combat desertification and to reduce competition with domestic livestock).

#### Bolivia

Vicuña occur in western and southwestern Bolivia in the Departments of La Paz, Oruro, Potosí, and Cochabamba (CITES 1997b). They have also been reported from the Department of Tarija, but the reports have not been confirmed (CITES 1997b). It has been suggested (DNCB 1997, pers. comm.) that vicuña may once have ranged over 13,000,000 to 16,700,000 ha in the Puna and high plateau region of the Bolivian Andes, before colonization by the Spaniards.

The Bolivian government has established Vicuña Conservation Units (VCU) for administrative and management purposes (CNVB 1996). Eight VCUs were originally established by the Instituto Nacional de Fomento Lanero (INFOL 1985); a ninth unit was subsequently added as a result of the National Vicuña Census of 1996 (CNVB 1996). These nine VCUs encompass all of the vicuña's geographic range within Bolivia. The National Vicuña Census of 1996 recorded vicuña populations in 76 "registered census areas" totaling 3,428,356 ha within the nine VCUs. These registered census areas are distributed throughout the Bolivian highlands at an elevation range between 3,600 and 4,800 m. Thirty of these registered census areas did not have any vicuña in the previous national census (1986), indicating a significant increase in the vicuña's distribution within Bolivia over a 10-year period. Sixty-nine percent of the vicuña counted in 1996 (23,393 of 33,844) occurred in the Conservation Units of Lipez-Chichas, Mauri-Desaguadero and Ulla Ulla.

Vicuña are found in a number of protected areas in Bolivia. Within the National System of Protected Areas (Sistema Nacional de Areas Protegidas, or SNAP), vicuña occur in the Ulla Ulla National Fauna Reserve (150,000), the Eduardo Avaroa National Andean Fauna Reserve (714,000 ha), and Cerro Sajama National Park (100,230 ha) (information from WCMC Protected Areas Database 1999). Other protected areas with vicuña are the Huancaroma Vicuña Reserve (140,429 ha), Huancaroma Wildlife Refuge (11,000 ha), Llica National Park (97,500 ha), Yura National Fauna Reserve (96,853 ha), Altamachi Vicuña Reserve (100,000 ha), and the Incakasani-Altamachi Andean Fauna Reserve (23,000 ha).

(information from WCMC Protected Areas Database 1999).

The area where vicuña are presently found in Bolivia is expanding, but will likely never equal the former distribution range because of habitat changes caused by overgrazing by sheep and other domestic livestock, and human-caused developments such as roads and cities. Vicuña generally occur on communal property lands in Bolivia. In the northern highlands vicuña share habitats mainly with alpacas, in the central highlands with cattle, sheep, llamas, alpacas and agriculture, and in the southern highlands with llamas (CITES 1997b). Overgrazing, especially by sheep, has reduced range carrying capacity in many areas.

The limited quantitative information presently available to us indicates that vicuña populations throughout Bolivia are not endangered by the present or threatened destruction, modification, or curtailment of habitat or range. However, overgrazing by domestic livestock and direct competition for forage with domestic livestock are still considered to threaten vicuña populations throughout Bolivia. Through this proposed rule, we are seeking additional, quantitative information on the status of vicuña habitats throughout Bolivia. We especially seek detailed information on land use restrictions (for example, prohibitions on the grazing of domestic livestock) and actual protective measures (for example, antipoaching efforts) within protected areas, on the status of development of Vicuña Management Plans and Soil Use Plans in the three pilot areas of the National Vicuña Conservation Program (Lipez-Chichas, Mauri Desauadero, and Ulla Ulla), and on current efforts to manage habitat on lands which are not within either the three aforementioned conservation units or officially-designated protected areas. We also seek more information on the National Program for the Fight Against Desertification and Drought.

#### Chile

The vicuña occurs in extreme northeastern Chile in the Regions of Tarapaca, Antofagasta, and Atacama. Over 96 percent of the vicuña (19,169 of 19,848) in Chile are found within the Caquena Management Zone, Lauca National Park, and the Vicuña National Reserve within this Province (Galaz 1997, pers. comm.). These areas have typical vicuña habitats and limited human populations.

Most vicuña in Chile are found within protected areas. These include the aforementioned Caquena Management

Zone (90,146 ha), Lauca National Park (137,883 ha) and the Vicuña National Reserve (209,131 ha) within Parinacota Province. A few vicuña also occur in Salar de Surire Natural Monument in Parinacota Province (11,298 ha), and Isluga Volcano National Park in Iquique Province, Tarapaca Region (174,744 ha).

Information presently available to the Service indicates that vicuña populations in Chile are probably not endangered by the present or threatened destruction, modification, or curtailment of habitat or range. This is because the overwhelming majority of vicuña in Chile occur in protected areas where there is some measure of control over domestic livestock grazing. However, overgrazing by domestic livestock and direct competition for forage with domestic livestock may still threaten vicuña populations in Chile. Through this proposed rule, we seek additional, quantitative information on the status of vicuña habitats throughout Chile. We especially seek detailed information on land use restrictions (for example, prohibitions on the grazing of domestic livestock) and protective measures (for example, antipoaching efforts) within protected areas, and on effort to manage habitat outside protected areas (including programs to combat desertification and to reduce competition with domestic livestock).

#### Peru

Vicuña in Peru in 1997 were estimated to occur on about 6,361,000 ha throughout the 15,000,000 to 17,000,000 ha of suitable habitat in the Peruvian high plains. Factors that could impact future areas of vicuña habitat include increased urbanization, successful reintroductions of vicuña into present areas of suitable but unoccupied habitat, and the replacement of domestic livestock by vicuña. Vicuña are better adapted to the rigorous climate and ecological conditions of the Puna, than are many species of domestic livestock. Overgrazing by domestic livestock remains the greatest threat to habitat conditions in the Puna.

Vicuña occur in 782,186 ha of Peruvian protected areas, including Huascarán National Park (340,000 ha), Pampa Galeras National Reserve (75,250 ha) and the Salinas and Aguada Blanca National Reserve (366,936 ha) (Hoces R. 1997, pers. comm.).

Information presently available to the Service indicates that vicuña populations in Peru are not endangered by the present or threatened destruction, modification, or curtailment of habitat or range. This assessment is based on the overall size of Peru's vicuña

population, plus the large number of community-based management programs there. Overgrazing by domestic livestock and direct competition for forage with domestic livestock may still threaten certain vicuña populations in Peru. Through this proposed rule, we are seeking additional, quantitative information on the status of vicuña habitats throughout Peru. We especially seek detailed information on land use restrictions (for example, prohibitions on the grazing of domestic livestock) and protective measures (for example, antipoaching efforts) within protected areas, and on efforts to manage habitat outside protected areas (including programs to combat desertification and to reduce competition with domestic livestock).

#### *(B) Overutilization for Commercial, Recreational, Scientific, or Educational Purposes*

Vicuña wool was valued by the Incas and estimates suggest there may have been 1,000,000 to 1,500,000 vicuñas in the region during the Incan period. Although utilized by the Incas, there is no evidence that the species was exploited at unsustainable levels. After destruction of the Inca Empire by Europeans, vicuñas were slaughtered in large numbers for both their meat and wool. In the 1950's populations may still have totaled 400,000, but hunting pressures and livestock competition may have reduced the total population to about 6,000 individuals by 1965 (Nowak 1991). Other authors suggest somewhat different numbers but similar trends.

Vicuña numbers in individual range countries have apparently fluctuated as political and economic stability has fluctuated. For example, vicuña numbers in Peru were low in 1965, gradually built to high levels in 1990, were significantly reduced by illegal hunting during the 1992-94 period of civil unrest, and have since recovered to 1990 levels. The major breakthroughs in the potential management of vicuña in Peru were new laws transferring the custodianship of vicuña to campesinos (peasants) and campesino communities, giving the campesinos the responsibility to protect vicuñas, the implementation of protective measures, the determination that it was not necessary to kill vicuña in order to obtain wool from their hides, and the development of management techniques to herd, capture and shear living vicuña (Wheeler and Hoces R. 1997). The key factor has been allowing the benefits of vicuña management and utilization to accrue collectively to campesino communities (rather than to middlemen

or other individuals) (Wheeler and Hoces R. 1997).

The vicuña remains a potentially easily exploited resource. It has great economic value and is a highly visible, diurnal occupant of open landscape. Some poaching for skins or subsistence hunting for meat probably still occurs, as does killing of vicuñas because of perceived competition with domestic livestock. This appears to be a source of mortality that could potentially seriously impact vicuña numbers, as it has done in the past.

#### Vicuña Population Status: Argentina

The vicuña population of Argentina is currently estimated to be approximately 32,000 individuals and increasing, based on censuses completed in various protected areas between 1992 and 1996 (CITES 1997a). Data appear to be most complete for Jujuy Province, where the Olaró-Cauchari Reserve has been surveyed regularly since 1973-74, and estimates are available for a number of other areas where vicuña are protected (CITES 1997a). The population of Jujuy Province was estimated to be approximately 18,000 individuals in 1997 (CITES 1997a). A population survey was recently completed in Salta Province (V. Lichtschein, pers. comm. with K. Johnson, OSA, 1999), but the results are not yet available to us. Data from other provinces are somewhat dated and incomplete (CITES 1997a).

As previously mentioned, the vicuña population of Argentina is believed to be increasing. Data from the Olaró-Cauchari Reserve (where numbers increased from about 330 individuals in 1973 to 6,500 in 1995) Laguna Brava Reserve, and Laguna Blanca Reserve all show substantial population increases over the past 10 to 20 years (CITES 1997a). Possible causes for the population increases are the newly developed support for vicuña by the campesino communities of the Puna, the creation of protected areas and the control of illegal hunting activities (Canedi 1997, pers. comm.). It is anticipated that some transplanting will occur from certain areas if populations grow to exceed carrying capacity.

#### Vicuña Utilization: Argentina

Poaching does not appear to be a major problem at present (V. Lichtschein, pers. comm. with K. Johnson, OSA, 1999; E. Hoffman, journalist, pers. comm. with K. Johnson, OSA, 1999). Sport hunting of vicuña is not permitted in Argentina and no permits have been issued for the capture of wild vicuña for scientific or educational purposes.

The vicuña utilization scheme in Argentina consists of a developing effort to sustainably use wild populations in Jujuy Province, and an effort to develop semi-captive populations in the provinces of Catamarca, Jujuy, La Rioja, Salta, and San Juan. This model has been developed to be relevant to the conditions of the Argentine Puna where lands are owned by individual ranchers, human populations are very sparse and vast areas of potential habitat with limited vicuña populations exist (CITES 1997a).

Experimental efforts to develop management programs under semi-captive conditions are conducted at the National Institute of Agriculture and Cattle Technology (INTA) at their High Altitude Experiment Station (CEA) at Abra Pampa. Studies have emphasized efficient fences to contain vicuña, the determination of the carrying capacity of different range types, and the capturing and shearing of vicuña and wool processing procedures.

The experimental results have direct applications because a limited number of vicuña ranching operations have been established in Jujuy and Salta Provinces. These ranch operations have used vicuña donated from the Abra Pampa semi-captive herd and donated fencing materials. Vicuña family units are placed into a fenced area. Individual ranchers who have been trained in vicuña management have the responsibility to protect and provide for the vicuña. Young vicuña, produced under these semi-captive conditions, are either used as replacement stock or are returned to CEA as compensation for the initial vicuña donation. The semi-captive herds are sheared at two year intervals using the techniques developed at CEA. At the time of shearing, representatives of INTA, the Department of Renewable Natural Resources, the Gendarmes (military police), a Doctor of Veterinary Medicine, and the wool buyer are present to observe and/or supervise the operation. The wool buyer in 1997 was an Argentine wool processing company that donated the fencing materials. The wool purchase is used to retire the debt on the fencing materials and to provide immediate payment to the individual rancher. The wool, at the time of shearing, is weighed, bagged, marked, sealed, recorded and stored in a sealed warehouse until all commercial authorizations have been completed.

The production of vicuña wool under semi-captive conditions benefits the individual campesino rancher and is a program growing in popularity. It is claimed that this program enhances the status of vicuña because the ranchers

support the program and support the presence of non-captive vicuña in the provinces, and it has enhanced the gendarme-rancher relationship which has improved protective measures for vicuña. However, we continue to have concerns over the appropriateness and effectiveness of this approach as a conservation tool for wild populations of vicuña. The captive population at Abra Pampa has been developed from a limited number of founder animals (16 females and 6 males). As such, there is concern over the genetic fitness of animals in this population. There is also concern about possible genetic and disease consequences if vicuña from the Abra Pampa population are translocated to different provinces and subsequently escape to mingle with the wild population. We are concerned that semi-captive populations may be established in the most favorable vicuña habitat areas, thus potentially depriving wild vicuña populations of important resources such as water or forage. Finally, we have no information showing a demonstrable link between establishment of semi-captive vicuña populations and improved conservation status of wild populations (for example, a demonstrable reduction in poaching of wild vicuña in areas with semi-captive populations, or a demonstrable improvement in habitat conditions as a result of decreased domestic livestock numbers in areas with semi-captive populations). The Appendix II semi-captive populations of Catamarca, Jujuy, La Rioja, Salta, and San Juan Provinces are specifically excluded from the proposed special rule until their conservation benefit for wild vicuña is demonstrated adequately. With this proposed rule, we seek substantive information demonstrating the conservation value (for wild vicuña) of semi-captive vicuña populations.

The vicuña is not considered to be endangered by previous or current overutilization in Argentina. It is, however, considered to be threatened by overutilization throughout Argentina, and will continue to be threatened until appropriate conservation mechanisms are fully implemented and the populations fully recover, based on successful conservation and management. Through this proposed rule, we seek additional information on the status of wild vicuña populations throughout Argentina.

#### Vicuña Population Status: Bolivia

Vicuña populations in Bolivia were recorded as 33,844 in the country-wide census of 1996 and current populations are estimated at about 35,500 (DNCB 1997, pers. comm.). The population is

generally thought to be increasing, and perhaps has reached carrying capacity in a few areas. Population data determined by direct and total counts of individuals on selected habitat areas are best for the three experimental pilot areas—Ulla Ulla, Mauri-Desaguadero and Lipez Chichas whose populations were transferred to CITES Appendix II in 1997. Periodic censuses have occurred over a 30-year period for Ulla Ulla, and over a 15-year period for the other two pilot areas. The growth in the total vicuña population has been both in density within well-known habitat areas and in the number of habitat areas with vicuña. It is believed that the principal reason for the growth in the general vicuña population is the protection provided by the campesino communities, especially those that have government supported game wardens.

#### Vicuña Utilization: Bolivia

Some campesino communities are hostile to vicuñas because of crop depredation or perceived competition with domestic livestock and the fact that no economic benefits are presently realized from vicuña. This may result in the killing of vicuña, although we have no substantive information which directly supports this conclusion. The granting of custodianship to the local communities and the delegation of monitoring to the provincial governments is expected to provide the mechanism to address this issue.

Poaching of vicuña is known to occur in Bolivia (CITES 1997b), and may be at a level that is of concern. One individual was recently arrested outside La Paz with 324 vicuña skins in his possession (E. Hoffman, pers. comm. with K. Johnson, OSA, 1999). Vicuña products, including rugs made from many skins, can be seen for sale in the San Francisco Plaza in La Paz (E. Hoffman, pers. comm. with K. Johnson, OSA, 1999). Local traditional authorities use vicuña ponchos, scarves and blankets, especially at traditional celebrations (CITES 1997b). The wool used in these products comes from animals killed illegally (CITES 1997b). Tour operators in remote areas claim to encounter skinned vicuña carcasses on a regular basis (E. Hoffman, pers. comm. with K. Johnson, OSA, 1999).

Vicuña are not captured in Bolivia for educational or scientific purposes. There is no intent to have commercial meat operations as the only authorized commerce will be in wool and wool products from live-shorn vicuñas from wild populations. At present, there is no trade in wool as Bolivia has a zero quota under CITES.

Bolivia, as well as the other signatory countries to the Convenio para la Conservación y Manejo de la Vicuña (Convention for the Conservation and Management of the Vicuña, or the Vicuña Convention), has agreed not to export fertile specimens of vicuña. The sole exception has been a 1993 export of 100 vicuñas to the Republic of Ecuador to aid in their vicuña recovery efforts. This was accomplished within the multilateral frameworks of both the Vicuña Convention and the CITES Convention.

Bolivia's National Program for the Conservation of Vicuña is in very early stages of implementation. Bolivia is developing pilot programs for harvesting and marketing wool from live-shorn vicuña that borrow significantly on the successful management program in Peru. The initial step of the National Vicuña Conservation Program was to transfer three substantial vicuña populations in areas where campesino interest and commitments were high (Ulla Ulla, Mauri-Desaguadero, Lipez Chichas) from CITES Appendix I to II, so that pilot management and shearing programs could be perfected prior to expanding the management programs to other vicuña habitats. The second step has been the development of an agreement between the Programa Quinoa Potosi (PROQUIPO) and the DNCB to operate the Pilot Center of Sud Lipez to actually develop and demonstrate those management and shearing programs to enable the sustainable use of the vicuña through live shearing to be realized eventually.

Vicuña population trends throughout Bolivia are encouraging, and populations appear to have recovered to the extent that they are no longer endangered by previous and current overutilization. We consider that the vicuña is threatened by overutilization throughout Bolivia, and will continue to be threatened until appropriate conservation mechanisms are fully implemented and the populations fully recover, based on successful conservation and management. Through this proposed rule, we seek additional information on the status of wild vicuña populations throughout Bolivia. We especially seek information on the magnitude of poaching.

#### Vicuña Population Status: Chile

Over 96 percent of the vicuña (19,200 of 19,850) in Chile occur in Parinacota Province in the extreme northeastern portion of the country. The populations in the Caquena Management Zone (3,700 vicuña on 101,380 ha) and in the National Vicuña Reserve (8,050 vicuña

on 288,970 ha) in this Province were transferred to CITES Appendix II in 1987, and would be the only populations utilized commercially should a program to capture and shear live vicuña be instigated (Galaz 1997, pers. comm.). The adjacent population in Lauca National Park (7,410 vicuña on 153,380 ha) was retained on Appendix I to provide further control over vicuña in this protected natural area. The vicuña population in Parinacota Province is believed to be at or near carrying capacity in typical vicuña habitat. The remaining four percent of Chile's vicuñas occur elsewhere in the upper Andean tablelands in northeastern Chile. About 650 vicuña are believed to occur in small scattered groups over about 215,000 ha elsewhere in the Tarapaca Region and in the neighboring Antofagasta and Atacama Regions.

#### Vicuña Utilization: Chile

The hunting, capture and sale of vicuña and vicuña products is unlawful in Chile and, at present, there is no national or international trade in vicuña fiber, no exports of living vicuña and no known illegal trade in vicuña products. Poaching is not considered to be a problem in Chile (E. Hoffman, pers. comm. with K. Johnson, OSA, 1999). In summary, protected areas have been established in locations with a high density of vicuñas, a conservation and management plan has been developed for vicuña, legal provisions have been developed to protect the species and adequate protection is being provided for the species, especially in Lauca National Park and the National Vicuña Reserve.

The vicuña is not considered to be endangered by previous or current overutilization in Chile. However, as a vicuña wool industry could potentially be approved in Chile, overutilization is still considered to threaten the Chilean population until such time as control mechanisms for harvest and commercialization are demonstrated to be adequate.

#### Vicuña Population Status: Peru

The 1997 census in Peru estimated a population of 103,650 vicuña on 6,361,000 ha of habitat (Hoces R. 1997, pers. comm.) in the high Andean tablelands of the departments of Ancash, Apurimac, Arequipa, Ayacucho, Cajamarca, Cusco, Huancavelica, Huanuco, Junin, La Libertad, Lima, Moquegua, Pasco, Puno and Tacna. Vicuña populations have been increasing since 1994. This is believed to be due to the increased efforts to control vicuña poaching and

the development of a vicuña wool utilization program. Several campesino communities now participate in the protection, management and utilization of vicuña in cooperation with the National Council of South American Camelids (CONACS) and the National Institute of Natural Resources (INRENA), which is the designated CITES Management Authority for Peru.

#### Vicuña Utilization: Peru

As mentioned previously, vicuña numbers in Peru have fluctuated greatly in recent years as a result of political and economic instability. Vicuña numbers were low in 1965, gradually built to high levels in 1990, were significantly reduced by illegal hunting during the 1992–94 period of civil unrest, and have since recovered to 1990 levels.

At present, legislation in Peru permits the taking of vicuña if properly authorized and technically supported. Some culling of vicuñas (about 1,000 per year) did occur from 1977 to 1983 but no quotas have been declared and little if any legal take has occurred since that date. Any take for scientific studies is rare and, when authorized, is tightly controlled. There is no legal utilization of vicuña for meat or parts.

Commercialization of vicuña wool products will likely not result in overutilization of vicuña because of the system of controls that exist in monitoring wool collections, governmental supervision by CONACS and INRENA, and the involvement of local campesino communities. CONACS and INRENA have the responsibility to protect and monitor vicuñas within protected areas such as Huascarán National Park, Pampa Galeras National Reserve and the Salinas and Aguada Blanca National Reserve. The protection and monitoring of vicuñas in the rural communities is a major responsibility of participating campesino communities in coordination with CONACS and INRENA.

CONACS has developed techniques, at Pampa Galeras, for capturing and harvesting wool from living wild vicuña. Capture methods are based on the traditional “chaku, a surround technique used by the Incas to capture and shear vicuñas (Wheeler and Hoces R. 1997). CONACS has taught and supervised campesino communities in this technique and other aspects of vicuña management. At Pampa Galeras and in other areas of the Peruvian Puna, vicuñas occur on communal lands and campesinos represent an abundant and important work force.

The process used to capture and shear vicuñas was observed in August 1997 by

Dr. Short (on behalf of the National Fish and Wildlife Foundation). Vicuñas to be shorn were slowly herded across a wide habitat area and “pushed” into a V-shaped funnel trap. The vicuña were eventually crowded into a corral where they were sorted by hand to identify adults with adequate fleeces; this is a consideration because it takes about 18 months to grow a fleece that will yield shorn fibers that are 2 cm (0.78 in) long. All animals were ear-tagged, identified, weighed and cursorily examined for general condition. Each animal to be clipped was restrained and the fleece along the back and flanks was removed in a single mass, using electric clippers. That portion of the fleece was placed in a plastic bag. The shoulder, rump and leg wool was then clipped and placed in a separate bag. Both bags of wool from an individual animal were tagged, sealed, weighed and recorded at the field location immediately after clipping was completed. Belly and chest hair were left intact on the animal in the belief that it would subsequently insulate the animal when it was resting on cold ground. The capture, handling, clipping and the securing of the vicuña fleece was accomplished by campesinos under the supervision of personnel from CONACS and the Sociedad Nacional de la Vicuña (SNV). Upon the completion of the clipping effort the shorn animal was released. Clipping took about two minutes per animal. No significant injuries were observed from the capture, handling or clipping of the live wild vicuñas under these observed conditions.

Cleaning of guard hairs and dirt from vicuña fleeces is usually accomplished by women from the campesino communities. Such cleaning takes about 2–3 woman-days per 250-gram (9 ounce) fleece. Up to 100 women from the Lucanas campesino community near Pampa Galeras may be employed during the time period required to process an annual harvest of up to 2,000 fleeces. Careful weights are kept as fleeces are unsealed, cleaned, re-bagged and resealed prior to auction. A single auction supervised by CONACS serves all campesino communities producing vicuña wool.

Vicuña management essentially provides full-time employment for many members of the Lucanas community—building fences, obtaining and cleaning fleeces, providing protection to vicuña and providing instruction to other communities wishing to establish a vicuña industry. It was reported that as part of the arrangement between the Lucanas community and the government, 500 vicuñas are used to restock vicuña

habitats in neighboring communities, in exchange for both a hydro-electric project and other economic assistance.

The Pampa Galeras experience is the model for other campesino communities in Peru and will likely be the model for similar efforts in Bolivia. Campesino communities in both countries benefit by having some initial funds to develop a vicuña management infrastructure—either from the national government, as in Peru, or the European Community in aid to Bolivia.

Efforts are apparently underway in Peru to develop ranching of vicuña (i.e., fencing of natural areas to produce semi-captive populations) (Wheeler and Hoces R. 1997). Although translocation of animals does not appear to be involved in this case, we still have many of the same concerns as previously expressed for the semi-captive populations in Argentina. We reiterate our desire to receive substantive information demonstrating the conservation value (for wild vicuña) of semi-captive vicuña populations.

The vicuña is not considered to be endangered by previous or current overutilization in Peru. It is, however, considered to be threatened by overutilization, and will continue to be threatened until appropriate conservation mechanisms are fully implemented and the populations fully recover, based on successful conservation and management.

#### (C) Disease or Predation

Vicuñas, like most mammals, suffer from a variety of endo- and ectoparasites. Mange caused by parasitic mites can result in skin lesions and loss of hair, especially in those populations that coexist with domestic livestock, especially during drought conditions. Drought conditions or extremely degraded ranges adversely impact vicuña by causing movements to new habitats with the possible dissolution of some family groups and reductions in reproductive rates and successes, and perhaps increased mortalities. Major predators on vicuña include the puma (*Felis concolor*), the Andean fox or zorro (*Dusicyon culpaeus*) and perhaps the Andean condor (*Vultur gryphus*), which may kill newborn and very sick animals.

Vicuña populations in the four range countries are not believed to be endangered from the impacts of disease or predation, in part because the numbers of individuals within each population are considered to be increasing. Likewise the vicuña populations are not likely to be threatened by these factors if the benefits from the commercialization of vicuña wool products are used to

enhance the standard of living in campesino communities, with concomitant effective protection and enforcement. We remain concerned about the potential for disease transmission from animals that are translocated for the development of semi-captive populations or for release to the wild to supplement wild populations, and seek additional information on this issue.

*(D) The Inadequacy of Existing Regulatory Mechanisms*

The regulatory mechanisms in place vary significantly among the four range countries. Those in Peru are very substantive and involve the establishment of new governmental agencies, new mechanisms to enhance inter-community coordination, enhanced vicuña management procedures and a regulated and active vicuña wool industry that currently returns economic benefits to campesino communities. Argentina has also developed regulatory mechanisms to allow the development of a vicuña wool industry that currently benefits a small number of local ranchers. Bolivia is currently developing mechanisms to develop a wool industry and is building on many of the procedures that are apparently successful in Peru. Chile has no current plans for developing a wool industry but has conceptualized how such an industry might be successfully managed.

*Regulatory Mechanisms: Argentina*

In Argentina, the First Interprovincial Technical Conference on the Conservation of the Vicuña met in 1972 and agreed to develop methods to capture, transport and recolonize vicuña habitats and develop a plan for the management, shearing and the manufacture of handicrafts from vicuña fiber. Additional meetings integrated the provincial vicuña programs, established a national program, and established the "Vicuña Regional Commission" as a mechanism to attain national coordination on the vicuña management program (Comisión Regional de la Vicuña, 1994). Argentina ratified the CITES Convention in 1981. In 1988 Argentina signed the Vicuña Convention and has since carried out its programs within the context of this agreement. Argentine National Law for the Conservation of Wildlife 22,421 and its Regulatory Decree No. 691, provides for vicuña protection. The Constitution of Argentina, reformed in 1994, assures the rights of the provinces over their respective natural resources, assures the rights of indigenous people to use these natural resources in traditional ways,

and embraces the conservation of biological diversity and the sustainable development of natural resources.

Several laws and decrees within the various Provinces list the vicuña as a protected species, establish protected areas for the species, prohibit hunting, and prohibit commercialization, transportation, or manufacturing of parts or products from hunted animals, regardless of origin. Laws and decrees also allow the installation of captive breeding operations and the commercialization and industrialization of products from captive-bred animals (Canedi 1997, pers. comm.).

The Departments of Renewable Natural Resources for Jujuy, Salta, Catamarca and La Rioja Provinces have signed agreements with the Secretariat of Natural Resources and Human Environment and the National Gendarmes, a Federal Law Enforcement group, to enforce provisions of Provincial and National laws that prohibit illegal hunting and smuggling. The Gendarmes conduct extensive patrols in rural areas and on the borders, and have officers at the ports, airports and borders. They are capable of conducting inspections and investigations involving the illegal trafficking of vicuña wool. They also have an environmental division which meets with campesinos and tries to promote the vicuña program. Although both the Department of Renewable Natural Resources and the Gendarmes may not have adequate resources at their disposal, they are thought to be working effectively with the campesino communities of the Puna as evinced in the increase of vicuña populations of the Puna (Canedi 1997, pers. comm.).

The only legal wool at the present time is that obtained from the shearing of live vicuña at the officially authorized semi-captive population facilities. We understand that a registry of authorized semi-captive populations is maintained by the national Dirección de Fauna y Flora Silvestres (V. Lichtschein, pers. comm. with K. Johnson, OSA, 1999). Wool from shorn fleeces is bagged, tagged, weighed, sealed, recorded, and the government agency that supervised the shearing is identified on the bag. Wool from officially authorized breeders (ranchers) can be directly auctioned for direct export, or the ranchers (if artisans) can retain the wool, and make and sell cloth. Either the wool buyer or the rancher-artisan would need a transport permit and that transport permit would need to be presented when the CITES export permit is requested. Fabric or products manufactured by rancher-artisans will need to be marked with the

official seals or stamps. Such fabrics or products, expected to be limited in numbers, can only be sold to licensed outlets recognized and approved by the government. The check on whether fabrics or products are made from legal vicuña wool is determined by comparing weights of fleeces harvested under supervised shearing operations, the weight of raw wool that is retained by the authorized rancher-artisan and the weights of woollen products produced by that artisan. At present it is not clear to us which government agency supervises shearing, which approves licensed outlets for vicuña products, and which conducts checks of producers to ensure that only legal wool is used in artisanal products. There is apparently no national legislation that covers all aspects relating to the trade in vicuña or the administrative aspects relating to this trade (CITES 1997a).

Wild populations of vicuña in the Province of Jujuy and semi-captive populations of vicuña in the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan were transferred from CITES Appendix I to Appendix II at CITES COP10, effective September 18, 1997. Exports are limited to wool shorn from live animals, cloth and articles made from that cloth, luxury handicrafts and knitted articles. The reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Vicuña Convention and the words "VICUÑA-ARGENTINA-ARTESANIA." All specimens not meeting the above conditions are subject to the prohibition against primarily commercial trade. Articles bought by a foreign tourist at a government authorized store will be exportable as personal accompanying baggage only after a CITES export permit has been obtained. The only apparent control of artisan goods sold to residents of Argentina and later resold to foreign tourists is the requirement that the tourist have a CITES export permit upon his/her return to his/her country of origin. This is a requirement for importation of any personal effects or personal accompanying baggage by U.S. residents, under the conditions of the special rule accompanying this petition finding. If the wool from an authorized captive breeder is sold at auction, the buyer, presumably a wool processing company, would get a permit from the Provincial Natural Resources Department which the buyer would present to the National Secretary for Natural Resources and Human Environment to obtain the required CITES permit for export.

The National Police (Gendarmes) are expected to aid provincial authorities in the control of poaching, illegal trade and

transport of unauthorized products within the country and the routine inspection of products of legal origin to certify their origin. Collaboration will also be provided by the National Aeronautical Police at the country's airports to intensify inspections of commercial products and passengers.

The vicuña does not appear to be endangered by inadequate regulatory mechanisms in Argentina. The species, however, is considered to be threatened by this factor because many of the regulatory mechanisms are in early stages of implementation, and we are still unclear about several aspects related to the control of trade in raw vicuña wool and artisanal products. The vicuña will remain threatened by this factor until appropriate conservation mechanisms are fully implemented and the populations fully recover. Through this proposed rule, we seek detailed information on the control of trade in vicuña wool and wool products in Argentina, and on the status of national legislation to control trade.

#### Regulatory Mechanisms: Bolivia

Bolivia's National Program for the Conservation of Vicuña is in very early stages of implementation. Bolivia is developing pilot programs for harvesting and marketing wool from live-shorn vicuña that borrow significantly on the successful management program in Peru. The Ministry of Sustainable Development and the Environment is the organization responsible for planning and coordinating the conservation of natural resources with the major plans for national development. The DNCB (Dirección Nacional de Conservación de la Biodiversidad Unidad de Vida Silvestre) is located within this Ministry and is the technical body whose objective is the conservation and sustainable use of biological resources. The wildlife unit with responsibilities for executing the National Vicuña Conservation Program is located within the DNCB.

Several laws and decrees are relevant to vicuña management in Bolivia. Bolivia and Peru signed the Treaty of La Paz in 1969 to provide a measure of international protection for vicuña and this treaty was a precursor to what is presently known as the Vicuña Convention. Bolivia has also been a signatory to CITES since 1979. The Agrarian Reform Act of 1953 enabled some rural communities to have private lands and other rural communities to have unfenced communal lands which are advantageous to free-roaming vicuñas. Law 1654 decentralized executive power to regional

departments. Law 1715, passed in 1996, created the National Institute for Agrarian Reform and promoted the sustainable use of land, the promotion of practices favoring conservation and the protection of biodiversity, and the concept that lands where conservation is practiced would not be subject to expropriation. Other laws legalized traditional social organizations, authorized rights for using renewable natural resources and authorized the establishment of the Secretariat for Sustainable Development in each Bolivian Department to enhance vicuña management at regional levels.

Supreme Decree 24529 passed in March 1997, authorized regulations for the protection and management of vicuñas in Bolivia. The Decree grants custodianship of vicuña populations to the rural communities and gives the rural communities the exclusive rights to use vicuña fibers, subject to the listed regulations (DNCB 1997, pers. comm.). Regulations promulgated under this Decree will affect all activities dealing with the management, protection, capture, shearing and the commercialization of vicuña products (as described in subsequent paragraphs). The regulations are similar to existing legislation in the other countries that also signed the Vicuña Convention. At present, we are unclear if these regulations have been approved and fully implemented, although we were previously told that the DNCB had begun implementation of regulations by holding workshops in campesino communities to explain the regulations, by publishing print media guides describing the regulations and by helping campesino communities begin their compliance with the regulations (DNCB 1997, pers. comm.). We were also told that the DNCB had begun coordinating with the National Police and military to help curb illegal activities dealing with vicuña and their products. The National Program for Vicuña Conservation emphasizes the management of wild free-ranging populations of vicuña and emphasizes a desire to improve habitat quality.

Any vicuña wool presently in commerce in Bolivia is considered illegal wool. Under the regulations, all existing vicuña wool products including those in the domestic market are to be inventoried and registered and all new products or wool fibers will also be registered. Any non-registered vicuña products will in the future be considered illegal. The only wool that will be allowed for commercial purposes will be that obtained from live-shorn vicuña that have been captured according to regulations. Only

raw wool for the manufacture of cloth will be exported. Bolivia does not have a textile industry with the capability to manufacture vicuña wool cloth (DNCB 1997, pers. comm.).

Under the regulations, the harvesting of vicuña wool will only be allowed in organized campesino communities which (1) have the rights to capture and shear vicuña and utilize vicuña wool and (2) have delegated authority to work with government authorities in the management and conservation of the vicuña. These campesino communities are the only legal benefactors of the sale of vicuña wool. The National Vicuña Conservation Program will be carried out in these communities and will contain habitat and vicuña management plans and vicuña census and distribution data. This information will be basic to decisions to conduct vicuña drives, and in the conduct of capture and shearing operations. Monitoring information will be provided by game guards and recommendations for management actions will be produced in the campesino communities. Government authorities will be present when vicuña capturing and shearing occurs. The authorities will register the number of vicuña captured, the number shorn, the weights of fleeces, etc., and supervise the bagging, weighing, marking and sealing of vicuña wool. This information is provided to the CITES authorities for reference purposes and information later provided in support of export permit applications must correspond to the on-site records. The Netherlands government has provided financial support to underwrite initial efforts to implement the National Vicuña Conservation Program.

The initial effort of the National Vicuña Conservation Program will be at the Pilot Center of Sud Lipez and its objective will be to demonstrate the potential worth of the vicuña. The pilot project will include the capture and shearing of live vicuñas and the manufacture of fabric and eventually the sale of vicuña fiber for the manufacture of textiles to demonstrate the potential economic benefit to campesino communities. The vicuña populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lipez Chichas were transferred from CITES Appendix I to Appendix II at COP10, effective September 18, 1997. A zero annual export quota presently exists. Future exports will be limited to wool shorn from live animals and to cloth and articles made from such cloth, including luxury handicrafts and knitted articles. The reverse side of cloth and cloth products must bear the

logo adopted by countries signatory to the Vicuña Convention and the words "VICUÑA-BOLIVIA-ARTESANIA." All specimens not meeting any of the above conditions will be deemed to be subject to the prohibition against primarily-commercial trade.

The regulations also establish the System for the Protection of the Vicuña (SVV) which provides for the development of an inter-community network for the management and protection of the species. These persons will have direct control over activities such as wool sales, and will also have responsibilities for determining status and trends in vicuña populations. The SVV will be composed of game guards who will be responsible for the protection and control of vicuña in each conservation unit, made up of local vicuña protection officers and Park Rangers who are the enforcement officers within protected areas such as National Parks. Protection and control efforts will also be supported by special units of the National Police. The military will also assist in patrols, inspections and the seizures of illegal products. Customs will assist in the control of the export and import of wool at the ports of entry, border posts and airports to assure that CITES requirements are fulfilled. The Secretariat for Natural Resources and the Environment (SNRNMA) will regulate and coordinate the activities and participants within the SVV.

The vicuña does not appear to be endangered by inadequate regulatory mechanisms in Bolivia. The species, however, should be considered threatened by this factor because many of the regulatory mechanisms are in early stages of implementation, and we are still unclear about the status of proposed regulations dealing with the management, protection, capture and shearing of vicuña, and the commercialization of vicuña products. The vicuña will remain threatened by this factor until appropriate conservation mechanisms are fully implemented and the populations fully recover. Through this proposed rule, the Service seeks information on the status of proposed regulations and the implementation of other regulatory mechanisms, such as SVV, within Bolivia.

#### Regulatory Mechanisms: Chile

The existing regulatory mechanisms in Chile are presently dedicated to the protection of vicuña. Chile has not yet authorized the capture of vicuñas to develop a vicuña wool industry and the only exports of raw wool have been to obtain analyses of the wool's physical

properties. It is illegal to possess vicuña parts and products so no mechanisms have been developed for registering or identifying raw wool, or for establishing warehouses for storing wool (SAG 1997, pers. comm.).

Law No. 4.601 passed in 1929, modified by law No. 19.473 passed in 1996, indefinitely closed the hunting season for vicuña throughout the Republic of Chile. The hunting, capturing and selling of vicuña (and vicuña parts) is outlawed. Persons possessing, transporting or involved in commercial operations with vicuña products need to prove their actions are authorized by these laws. The Servicio Agrícola y Ganadero (SAG) of the Ministry of Agriculture is the CITES Management Authority, and has a Department for the Protection of Renewable Natural Resources and a Wildlife Division. Authorized customs officers (uniformed police), accredited officials from SAG, and representatives of the National Forest Corporation provide protection to vicuñas within the National System of Protected Wild Areas.

Preliminary plans, should a vicuña wool industry become authorized, indicate that the responsible party would need to provide an application to SAG indicating, among other things, the likely number of animals to be captured and sheared, the expected yield of the wool harvest, the logistics of the capture and shearing operation, where and how the wool would be stored and its eventual destination. SAG, should they approve the application, would oversee the capture process, register the quantity of harvested wool, and seal the warehouse where the wool is stored. SAG would also provide the necessary export permits, after determining that the quantities for export correspond to quantities authorized and actually harvested. Preliminary plans also suggest that a mechanism would be established to deal with the production and sale of luxury handicrafts and knitted articles. That organization would be responsible for receiving the wool, registering and offering the wool products for sale, for recording the sale of registered craft items and providing an accounting of the sale of registered craft items (SAG 1997, pers. comm.).

Chile has succeeded in having certain vicuña populations in the Paranicota Province, Region of Tarapaca (specifically, the populations in the Caquena Management Zone and the Vicuña National Reserve) transferred from CITES Appendix I to Appendix II in 1987 (at COP6). Any future export of vicuña products would be limited to wool sheared from live animals in

Appendix II populations and to cloth and items made from that cloth including luxury handicrafts, and knitted articles. The reverse side of cloth and cloth products would need to bear the logo adopted by countries signatory to the Vicuña Convention and the words "VICUÑA-CHILE-ARTESANIA." All specimens not meeting any of the above conditions would be deemed to be subject to the prohibition against primarily-commercial trade.

The vicuña is not considered to be endangered by inadequate regulatory mechanisms in Chile. However, as a vicuña wool industry could potentially be approved in Chile, the vicuña remains threatened by this factor until such time as regulatory mechanisms for harvest and commercialization are demonstrated to be adequate.

#### Regulatory Mechanisms: Peru

A complex regulatory mechanism exists for Peru and it controls commerce in vicuña wool products. The infrastructure promoting vicuña management includes the National Council of South American Camelids (CONACS) which is a public decentralized organization of the Ministry of Agriculture in charge of the promotion, standardization, and control of activities with the South American camelids. CONACS has offices in Lima and throughout the vicuña range, and is the proprietor of the trademarks "VICUÑA-PERU" and "VICUÑA-PERU-ARTESANIA." The Institute of Natural Resources (INRENA) is also a public decentralized organization of the Ministry of Agriculture, and is in control of all renewable natural resources in Peru, and is the CITES Management Authority for Peru. The National Society of the Vicuña (SNV) is a private organization which represents the 660 campesino communities and coordinates vicuña management within and between campesino communities ("Communal Committees of the Vicuña") and with CONACS at both regional and national levels (Hoces R. 1997, pers comm.).

Several national laws protect vicuña and regulate its management. Law 26496 is especially important as it promotes protection and provides penalties for the illegal hunting of vicuña, gives the custodianship of vicuña herds that occupy campesino community lands to those campesino communities and allows the campesinos to be responsible for the conservation, management and the utilization of the species. The law also establishes the Official Registry of the Vicuña which provides a record keeping process that

controls and tracks volumes of wool from the time of vicuña shearing in the field to the time that fiber is sold as cloth or merchandise on the international market. Other laws recognize the Vicuña Convention and the CITES Convention.

Pertinent laws are implemented through the 660 "Communal Committees of the Vicuña" which form the basis for the National System of Conservation. There is a system of park rangers shared by groups of communities and these park rangers can access the National Ecological Police and Peruvian Army units to help control the illegal killing of vicuña. CONACS and INRENA authorize and control management activities, including vicuña capture; since 1996 they manage a limited captive breeding program where enclosures of approximately 1,000 ha ("Modules of Sustainable Use"), each with about 250 vicuña, are developed or are to be developed within individual campesino communities.

The shearing, collecting, processing and commercialization of vicuña wool from wild vicuñas or from groups contained within the permanent enclosures, is controlled by CONACS and INRENA. The processing and commercialization of the wool is done by a single company that obtained that right through a competitive bidding process at a supervised auction. A cooperative agreement exists between the SNV and the company winning the competitive bid, apparently to ensure that campesino communities will be correctly represented in the distribution of monies from the sale of vicuña wool and wool products. There is an authorized season for shearing and the act of shearing is supervised by personnel representing CONACS, SNV and INRENA. Pertinent information is gathered at the time of shearing and a report describing the shearing operation (numbers of animals, wool weights per animal, etc.) signed by representative of the Communal Committee and CONACS, becomes part of the record at the Official Registry of the Vicuña. A second source of legal wool is from vicuña that die from natural causes or are found or obtained by campesinos or park rangers, or from skins that are seized in successful anti-poaching operations. Such specimens, to become legal, must be declared to SNV and CONACS and entered into the vicuña registry. Legal wool is gathered and stored in private warehouses belonging to the campesino communities, registered in the vicuña registry, and is under the control of CONACS. Illegal wool is prevented from entering commerce because it is not registered

with the vicuña registry, and consequently not included in the wool stores represented in the single legal auction. The vicuña registry records weights of wool sheared or collected, carded or cleaned, and these weights are used by CONACS and SNV throughout the processing and commercialization process to indicate whether final products likely only contain legal wool. The CITES Management Authority controls commerce by requiring records of wool weights and opinions from CONACS before any products (fiber, cloth or articles) can be legally either imported or exported from Peru.

The processing of vicuña fiber and the commercialization of vicuña products involves a joint venture "Association in Participation" between SNV and the consortium that won the auction for vicuña wool. The SNV provides the wool to the consortium which includes a Peruvian company that fabricates cloth from the vicuña fibers, which is then sent to an Italian manufacturing plant where luxury clothing items are produced. A second Italian firm then handles the promotion and marketing of the finished vicuña products (Hoces R. 1997, pers. comm.). CONACS supervises production to guarantee that all articles will contain 100 percent vicuña wool. This process is designed to maximize the financial returns from the vicuña fibers; the profits from the final sales are distributed, under the supervision of CONACS and INRENA, to the campesino participants. Raw vicuña wool currently sells for \$500/kg of fiber and additionally a percentage of the final sale price on the completed product goes to the campesino communities.

The vicuña populations of Pampa Galeras National Reserve and Nuclear Zone, Pedregal, Osconta and Sawacocha (Province of Lucanas), Sais Picotani (Province of Azangaro), Sais Tupac Amaru (Province of Junin), and Salinas Aguada Blanca National Reserve (Provinces of Arequipa and Cailloma) were transferred from CITES Appendix I to Appendix II in 1987 (at COP6). All remaining Peruvian vicuña populations were transferred to Appendix II in 1994 (COP9), effective February 16, 1995. All exports are limited to cloth fabricated from the 3,294 kg (7,260 lbs) of stored wool present in November 1994 or from the wool stores obtained from the recent authorized shearing of live animals or from dead animals listed in the vicuña registry, and items made from that cloth and to certain luxury handicrafts and knitted articles produced in Peru. The reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Vicuña Convention and

the words "VICUÑA-PERU-ARTESANIA." This trademark will also occur on all luxury artisan products and knitted articles of vicuña wool. Peru also plans to add to the produced articles, a seal or identification tag with codes indicating the origin of the product, the assigned trademark or label and the CITES permit number. All specimens not meeting any of the above conditions will be subject to the prohibition against primarily commercial trade.

The vicuña is not considered to be endangered by inadequate regulatory mechanisms in Peru. The species is, however, considered to be threatened by this factor, and will continue to be threatened until appropriate conservation mechanisms are fully implemented and the populations fully recover.

#### *E. Other Natural or Human-Made Factors Affecting Its Continued Existence*

The great potential threat to the vicuña is that pelts can be easily obtained from poached animals and that the wool industry may actually prefer the longer fibers that can be obtained by soaking and pulling hairs from pelts, rather than the clipped hairs from legal fleeces (Canedi 1997, pers. comm.). The vulnerability of the vicuña to political instability is well documented. For example, vicuña populations in Peru were estimated at about 60,000 in 1980 and 1981 but were overexploited and in 1982 populations were reduced to about 25,000. A slow recovery was observed until 1988 when populations were again estimated at about 60,000. Vicuña populations were again reduced to low levels from 1989 to 1993 when vicuña wool from poached animals was used to help finance guerilla activities in some countries.

The vicuña represents one of the most significant economic resources available in many Andean highlands that have limited human populations with limited economic resources at their disposal. Indigenous people fully realize that a poached vicuña can be used once but that the managed, live-sheared vicuña can be used repeatedly (Wheeler and Hoces R. 1997). Assigning the responsibility of vicuña management to campesino ranchers and/or campesino communities and granting those people the opportunity to legally realize economic gains from their management and protection efforts represents a significant bio-political decision. It is also significant that governments in four range countries have cooperated in the development of a vicuña wool industry and that scarce resources have been

devoted to the management of this species. Vicuña management, as described herein, is one of the better examples of the economic gains to be realized from the sustainable use of a biological resource.

### **Distinct Vertebrate Population Segment**

The definition of "species" in section 3(16) of the Act includes "any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." Distinct vertebrate population segments for purposes of listing under the Act are defined in the Service's February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722). For a population to be listed under the Act as a distinct vertebrate population segment, three elements are considered: (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing (i.e., is the population segment, when treated as if it were a species, endangered or threatened?). International borders may be used to delineate discrete population segments where there are significant differences in: (1) The control of exploitation; (2) management of habitat; (3) conservation status; or (4) regulatory mechanisms on each side of the border (61 FR 4722). Discrete population segments can also be defined by marked physical, physiological, ecological, or behavioral separation from other populations of the same taxon.

We recognize the vicuña population of Ecuador as a distinct vertebrate population segment for purposes of listing under the ESA. The vicuña population of Ecuador is geographically isolated and separate from other vicuña in Argentina, Bolivia, Chile, and Peru. Historically, the vicuña was eliminated from Ecuador. A small, disjunct population has been recently reintroduced to Ecuador. The population was established from 100 animals exported from Bolivia in 1993. This was accomplished within the multilateral frameworks of both the *Convenio para la Conservación y Manejo de la Vicuña* (Convention for the Conservation and Management of the Vicuña, or the Vicuña Convention) and the CITES Convention. It should be noted that Ecuador is also a Party to the Vicuña Convention. Ecuador's population remains listed in CITES Appendix I, and there is no plan to commercially utilize the species in the

near future. Furthermore, the Parties to the Vicuña Convention view this as a separate population, worthy of special recovery efforts. Although the countries of the region that are Parties to the Vicuña Convention view this as an "experimental" population, that should not be seen in the domestic U.S. context of experimental populations under the Act, where criteria and definitions differ. For these reasons, the Ecuadoran population of vicuña satisfies the discreteness and significance criteria of the DVPS Policy, and, therefore, merits treatment as a distinct population segment under the ESA.

In contrast to the rather strict requirements for listing entities (species, subspecies, or distinct vertebrate population segments) under the ESA, CITES has retained a degree of flexibility in the listing process through the use of annotations. There is no specific requirement that populations be delimited by national borders or marked biological differences. CITES Article I defines a species as "any species, subspecies, or geographically separate population thereof", and different populations of a species can be listed in different CITES Appendices. Thus, it has been possible to transfer sub-national populations of vicuña in Argentina, Bolivia, and Chile from Appendix I to Appendix II. This accounts for the lack of perfect symmetry between populations proposed for threatened status and those currently listed in Appendix II of CITES.

### **Summary of Findings**

The Service finds that the vicuña is a highly vulnerable species whose populations are generally increasing over a large area of very specific habitat—the high Andean tablelands of Argentina, Bolivia, Chile and Peru. The current status of the vicuña and its future potential seems directly attributable to recent bio-political decisions made in the range countries to turn over the custodianship of the species to the native people sharing these landscapes. Laws, decrees and infrastructures have been or are being developed to help the campesinos manage and protect the species. In return the campesinos are or are likely to receive critical financial benefits from that management that will benefit both individuals and their communities. The management and protection accorded to the vicuñas, by campesinos in cooperation with governmental entities, provides the best opportunity for the vicuña to survive as a species and as a very important part of the Puna and Altoandina ecosystems.

Specifically, we find that the vicuña is threatened by the (1) present or threatened destruction, modification, or curtailment of its habitat or range, (2) previous or current overutilization, and (3) the possibility of inadequately controlled illegal harvest pressures including poaching, in Argentina, Bolivia, Chile, and Peru. A reclassification of the vicuña from endangered to threatened under the Act will, with the attendant special rule, allow carefully regulated commerce of vicuña products into the United States. Funds generated by opening the United States market will help provide the resources necessary to further manage the species.

In response to the petition submitted by the International Vicuña Consortium, we find that: (1) Reclassification of the vicuña from endangered to threatened is warranted for all range countries except Ecuador; and (2) that a special rule is warranted for all Appendix II populations, with the exception of the Appendix II semi-captive populations of Catamarca, Jujuy, La Rioja, Salta, and San Juan Provinces in Argentina, which are specifically excluded until such time as their conservation benefit for wild vicuña is demonstrated adequately. The present publication provides a 12-month finding on that petition and includes a proposed special rule.

### **Description of the Proposed Special Rule**

The intent of the proposed special rule is to enhance the conservation of the vicuña through support for properly designed and implemented programs for vicuña conservation throughout their native range. The proposed special rule is intended to support the conservation efforts of the four range states of Argentina, Bolivia, Chile, and Peru, by acknowledging and deferring to certain of their management programs that allow utilization of vicuña wool from wild, live-sheared animals, with benefits accruing to indigenous communities.

The proposed special rule clarifies that only properly identified vicuña products can be imported into the United States. The vicuña products that can be imported are only those items of either raw (unprocessed) vicuña wool or cloth, or items made from that wool, including luxury handicrafts and knitted articles, that are properly identified, and have accompanying valid, legal CITES Appendix II export permits or re-export certificates. Under the proposed special rule, an endangered or threatened species permit for individual shipments would not be required under 50 CFR part 17. To be

imported, vicuña products must originate in populations that are listed both as threatened under the Act and in Appendix II of CITES, with the exception that Appendix II semi-captive populations in Catamarca, Jujuy, La Rioja, Salta, and San Juan Provinces in Argentina are excluded from the proposed special rule until such time as their conservation benefit for wild vicuña populations is demonstrated adequately. If adequate information is presented during the public comment period, these populations may be included under the final special rule.

We are aware that there have been poaching and illegal trade problems with this highly valuable species in the past, and any loss of control would seriously undermine the conservation programs of these countries, thereby potentially jeopardizing vicuña populations. Therefore, we propose not to allow the import of vicuña products from threatened and approved Appendix II populations if the countries of origin or the countries of manufacture or re-export have been determined by the CITES Conference of the Parties or the CITES Standing Committee to be not effectively implementing the Convention. Specifically, the proposed special rule would prohibit importation from countries of export or re-export that have either failed to designate a Management Authority or Scientific Authority, or have been identified by the Conference of the Parties to the Convention, the Convention's Standing Committee or in a Notification from the Secretariat as a country from which Parties should not accept CITES permits.

Commerce with the United States in vicuña products, if the proposed special rule is adopted as final at the conclusion of the regulatory process, will only be allowed with countries that have both designated CITES Management and Scientific Authorities, and that are not subject to a Schedule III Notice of Information for all wildlife or all CITES-listed species. In the case where vicuña products are exported to a second country, for manufacturing purposes, and the finished products are re-exported to the United States, then neither the country of origin nor the country of re-export can be subject to Schedule III Notice of Information based on the criteria described in the special rule if imports are to be allowed. The U.S. Management Authority will provide on request the list of those countries subject to a Schedule III Notice of Information to those manufacturers in the country of re-export and to importers so that they may be advised of restrictions on vicuña

products. At present, no countries are subject to a Schedule III Notice of Information for all wildlife or all CITES-listed species.

For vicuña and vicuña products, there is no personal effects exemption in the proposed special rule. That is, items purchased by travelers overseas or personal items owned by people moving to the United States will require appropriate CITES export documents (permits or re-export certificates) to be imported legally into the United States. This is based on analysis of the annotation for the vicuña in the official CITES Secretariat list of the CITES Appendices, and dialogue with the CITES Secretariat in Geneva. The vicuña annotations in the CITES Appendices are unique, and require that only certain products be exported from the range countries, under very strict conditions. For Peru, for example, the only products that can be exported (even non-commercially) are those manufactured from the stockpile held at the time of the ninth meeting of the Conference of the Parties, in November 1994, and they all require CITES Appendix II export permits. In Argentina, for example, articles bought by a foreign tourist at a government authorized store can be exported as personal accompanying baggage only after a CITES export permit has been obtained. In countries of re-export as well, very strict controls are required. The items manufactured from vicuña wool are very expensive luxury articles, and illegal trade poses a serious risk to the species and the conservation programs of the range states. Furthermore, all range countries require CITES permits for export of vicuña products, and do not recognize any personal effects exemption. It would be inappropriate and unfair to require export documents from range countries but not from countries of manufacture (re-export). Therefore, in this proposal, tourist souvenirs or other personal items require a CITES export document from the country of export or re-export in order to be legally imported into the United States.

All products must comply with all product annotations as described in the CITES Secretariat's official annotated list of the CITES Appendices. If those product annotations change at a future meeting of the Conference of the Parties (COP) to CITES, the Service will have to re-evaluate its 4(d) finding. The criteria for determining if a vicuña product is properly identified are drawn from the CITES Appendices, and the product annotations for vicuña contained therein. For cloth and cloth products, the only products that can be imported are those where the reverse side of cloth

and cloth products bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña (Vicuña Convention), and the words "VICUÑA—(Country of Origin)—ARTESANIA" (country of origin is the name of the original exporting country where the vicuña wool in the products originated, either Argentina, Bolivia, Chile, or Peru). For finished vicuña products (including luxury handicrafts and knitted articles) and any bulk shipments of raw wool, the product or shipment must have a seal or identification tag with codes describing the origin of the vicuña product, the trademark or label ("VICUÑA—(Country of Origin)—ARTESANIA") and the CITES export permit number. This proposed special rule, and these criteria for properly identified vicuña products, are derived from the CITES Appendices themselves. The product annotations were proposed by the range countries and adopted by the CITES Conference of the Parties. Therefore, we are proposing to align U.S. importation practices with those approved by the CITES Parties, in order to facilitate effective conservation of the vicuña in range countries. In our judgment the protective regulations set out in the proposed rule contain all of the measures that are necessary and advisable to provide for the conservation of the vicuña in Argentina, Bolivia, Chile, and Peru.

#### Public Comments Solicited

We intend that any action resulting from this proposal be as effective as possible. Therefore, we are soliciting any comments or suggestions from the public, other concerned governmental agencies, the scientific community, the trade industry, or any other interested party concerning any aspect of this proposal. We are particularly seeking comments concerning biological or commercial trade impacts on any vicuña population, or other relevant data concerning any threat (or lack thereof) to the wild populations of vicuña in South America.

Final action on the proposed reclassification of the vicuña, and the promulgation of the special rule will take into consideration the comments and any additional information we receive. Such communications may lead to adoption of final regulations that differ from those in the proposed rule.

#### National Environmental Policy Act

We have determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of



3. Paragraph (k) is added to § 17.40 and reads as follows:

**§ 17.40 Special rules—mammals.**

\* \* \* \* \*

(k) *Vicuña* (*Vicugna vicugna*)—(1) *Prohibitions.* All provisions of § 17.31 (a) and (b) and § 17.32 of this part shall apply to vicuña and vicuña products from both populations listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Appendix II semi-captive populations of Catamarca, Jujuy, La Rioja, Salta, and San Juan Provinces in Argentina. Except as provided in paragraph (k)(2) of this section, it is unlawful for any person to commit, attempt to commit, solicit to commit, or cause to be committed any acts described in paragraphs (k)(1)(i)–(ii) of this section with vicuña from all other populations listed in Appendix II of CITES:

(i) Import, export, and re-export.

(ii) Sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity.

(2) *Exceptions.* The import, export, or re-export of, or interstate or foreign commerce in vicuña products, consisting of either raw wool or items and cloth made, or partially made, from vicuña wool, may be allowed without a threatened species permit issued pursuant to 50 CFR 17.32 when the provisions in parts 13, 14, and 23 and the applicable paragraphs set out below have been met:

(i) The vicuña product must comply with all CITES product annotations as given in the CITES Secretariat's official list of the CITES Appendices and found at 50 CFR 23.23, and be identified as follows:

(A) *Cloth and cloth products:* The reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña", and the words "VICUÑA-(Country of Origin)-ARTESANIA", where country of origin is the name of the original exporting country where the vicuña wool in the products originated.

(B) *Finished vicuña products (including luxury handicrafts and knitted articles) and any bulk shipments of raw wool:* The product or shipment must have a seal or identification tag with codes describing the origin of the vicuña product, the trademark or label ("VICUÑA-(Country of Origin)-ARTESANIA") and the CITES export permit number, where country of origin is the name of the original exporting

country where the vicuña wool in the products originated.

(ii) The accompanying CITES permit or certificate must contain the following information:

(A) The country of origin, its export permit number, and date of issuance.

(B) If re-export, the country of re-export, its certificate number, and date of issuance.

(C) If applicable, the country of last re-export, its certificate number, and date of issuance.

(iii) At the time of import, for each shipment covered by this exception, the country of origin and each country of re-export involved in the trade of a particular shipment must not be subject to a Schedule III Notice of Information pertaining to all wildlife or to all CITES-listed wildlife that may prohibit or restrict imports. A listing of all countries that are subject to such a Schedule III Notice of Information will be available by writing: The Office of Management Authority, ARLSQ Room 700, 4401 N. Fairfax Drive, U.S. Fish and Wildlife Service, Arlington, Virginia, 22203.

(3) *Notice of Information.* Except in rare cases involving extenuating circumstances that do not adversely affect the conservation of the species, the Service will issue a Schedule III Notice of Information that identifies a restriction on trade in specimens of vicuña addressed in this paragraph (k) if any of the following criteria are met:

(i) The country is listed in a Notification to the Parties by the CITES Secretariat as lacking both designated Management and Scientific Authorities that issue CITES documents or their equivalent.

(ii) The country is identified in any action adopted by the Conference of the Parties to the Convention, the Convention's Standing Committee, or in a Notification issued by the CITES Secretariat, whereby Parties are asked to not accept shipments of specimens of any CITES-listed species from the country in question.

Dated: August 23, 1999.

**Donald J. Barry,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 99-23333 Filed 9-7-99; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 083099A]

### New England Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 3-day public meeting on September 21, 22, and 23, 1999, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Tuesday, September 21, 1999, at 9:30 a.m., and Wednesday and Thursday, September 22 and 23, at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Seaport Inn Conference Center, 110 Middle Street, Fairhaven, MA 02719; telephone (508) 997-1281. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036; telephone: (781) 231-0422.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council, (781) 231-0422.

#### SUPPLEMENTARY INFORMATION:

#### Tuesday, September 21, 1999

After introductions, the meeting will begin with reports on recent activities from the Council Chairman, Executive Director, the Administrator, Northeast Region, NMFS, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, and representatives of the Coast Guard and the Atlantic States Marine Fisheries Commission. Following reports, the Chairman of the Groundfish Committee will recommend approval of final action on Framework Adjustment 31 to the Northeast Multispecies Fishery Management Plan (FMP). The framework includes mid-season adjustments to the Gulf of Maine (GOM) cod fishery that also could carry forward to the 2000-2001 fishing year and modification of the Georges Bank cod trip limit adjustment mechanism. After a noon break, the Groundfish Committee and Council will continue their discussions until the meeting is adjourned for the day.