

ENDANGERED SPECIES

Technical Bulletin

Department of the Interior - U.S. Fish and Wildlife Service, Washington, D.C. 20204

PUBLIC DEPOSITS
ITEM

Congress Reauthorizes and Strengthens the Endangered Species Act

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Legislation that reauthorizes the Endangered Species Act through fiscal year 1992 and provides significant new protection was passed by Congress on September 26, 1988, and signed by President Reagan on October 7 (Endangered Species Act Amendments of 1988, Public Law 100-478). Among the major provisions of the legislation are increases in funding authorizations; a reinforced commitment to cooperative State programs; increased protection for listed plants; monitoring of listing candidates; monitoring of recovery plan implementation; a delay in the mandatory use by shrimp fishermen of Turtle Excluder Devices (TEDS); and new programs for the conservation of African elephants (*Loxodonta africana*). These and other changes in the Endangered Species Act are summarized below:

Endangered Species Act Funding

Congress authorized the appropriation of up to the following amounts in fiscal years 1990-1992 for activities of the Departments of the Interior, Commerce, and Agriculture relating to the Endangered Species Act: FY 1990, \$46.65 million (\$38 million for Interior, \$6.25 million for Commerce, \$2.4 million for Agriculture); FY 1991, \$48.85 million (\$39.5 million for Interior, \$6.75 million for Commerce, \$2.6 million for Agriculture); and FY 1992, \$50.85 million (\$41.5 million for Interior, \$6.75 million for Commerce, \$2.6 million for Agriculture). These figures, it should be noted, are authorization ceilings; the amounts *appropriated* for spending will be determined each year by Congress.

Cooperative State Programs

Recognizing the value of cooperative State endangered species programs, Congress amended the Act to establish a new source for Federal matching grants, the Cooperative Endangered Species Conservation Fund. General revenues in an amount equal to five percent of each year's total Pittman-Robertson (Federal Aid in Wildlife Restoration Act) and Wallop-Breaux (Federal Aid in Sport Fish

Restoration Act) Federal Aid accounts will be deposited each year into the new Cooperative Endangered Species Conservation Fund. The Congressional Budget Office estimates that, under this formula, about \$15 million annually will go to the Fund account, from which Congress can make appropriations for endangered species matching grants. The amendments also authorize States to use these grants for monitoring the status of listing candidates and recovered species as well as those species currently listed as Endangered or Threatened.

Protection of Listed Plants

The 1988 Endangered Species Act Amendments increase protection for listed plants on Federal, State, and private lands, and give the Fish and Wildlife Service an expanded role in enforcing import and export restrictions.

- Previously, the Act only made it illegal to "remove and reduce to possession" listed plants, and this applied only to those plants occurring on lands under Federal jurisdiction. The new law, however, includes a prohibition against "maliciously damaging or destroying" any such plants on Federal land.

- Another significant change is that the Act reinforces State plant protection laws. It is now illegal under the Act to remove, damage, or destroy any listed plant on State or private land in knowing violation of State law or in the course of violating a State criminal trespass law.

- The amendments also increase the number of Federal agencies that enforce restrictions on the import and export of plants protected by the Act or by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Agriculture Department's Animal and Plant Health Inspection Service had exclusive authority in this area, but it will now share enforcement with the Fish and Wildlife Service.

Monitoring of Listing Candidates

The Fish and Wildlife Service has identified approximately 4,000 taxa (2,500

plants and 1,500 animals) for possible listing protection under the Endangered Species Act, and it already has enough data on about 950 of this total to warrant listing proposals. Currently, the Service has the resources to complete approximately 50 listings per year. To help prevent substantial declines or extinctions of candidates pending listing actions, Congress directed the Service to more closely monitor the status of these species and, if necessary, to promptly carry out emergency listings.

Congress also directed other Federal agencies to work with the Service to ensure that their programs help to protect listing candidates.

Recovery Planning and Implementation

The goal of the Endangered Species Act is to recover Endangered and Threatened species to a secure, self-sustaining status, and the 1988 amendments contain a number of provisions relating to recovery planning and implementation.

- One new requirement is for a report to Congress every 2 years on 1) the progress being made to develop and carry out species recovery plans and 2) the status of all species for which recovery plans have been developed. A tracking system will be set up to facilitate preparation of the report.

- Another provision requires the Secretary of the Interior to submit an annual accounting, on a species-by-species basis, of all "reasonably identifiable" expenditures for the conservation of listed species made by Federal agencies and by the States that receive matching grants. This primarily will be a listing of general information on costs related to recovery planning and implementation. It will also include atypically large expenditures associated with listing actions, Section 7 interagency consultations, research, and law enforcement.

- The amendments also require public notice of all drafts of new and revised recovery plans. Interested persons will have an opportunity to provide comments on the plans, and those comments will be considered before the plans are approved.

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Undercover Investigation Breaks Rhino Horn Trafficking Ring

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What is believed to be a significant international group trafficking in the black market for rhino horns has been uncovered in the United States. As of February 2, 10 people had been indicted on a variety of charges relating to the illegal importation and sale of rhinoceros horns and other parts of endangered wildlife species, as well as Communist-bloc AK-47 machine guns, into the United States. Three South Africans were among the 10 individuals charged in the conspiracy. (The U.S. Attorney is working with the U.S. Departments of Justice and State to extradite the South Africans.) The indictments culminated an 8-month undercover investigation involving agents from the Fish and Wildlife Service, Customs Service, and Bureau of Alcohol, Tobacco and Firearms.

The investigation began in February 1988, when the Fish and Wildlife Service learned that one of the defendants was attempting to sell a leopard (*Panthera pardus*) mount. Between April and June,

an undercover agent was sold two leopard rugs for \$2,000, a leopard head mount for \$550, and a cheetah (*Acinonyx jubatus*) rug and cheetah head for \$2,400. These sales were in violation of both the Endangered Species Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

One of the defendants subsequently indicated that he could obtain an "unlimited" number of rhino horns. The defendants agreed to sell five to seven rhino horns to the Service undercover agent for \$40,000 each. One 8-pound horn was sold to the agent in August for \$40,000. At the time of his arrest, one of the defendants had two rhino horns in his possession that were obtained in Angola. Recorded telephone conversations revealed that two of the defendants had obtained a total of 14 rhino horns in Angola, and that these horns were being transported to Namibia (Southwest Africa) from Angola via South African military

vehicles for subsequent shipment to the United States.

Reports received by the Fish and Wildlife Service during the past year indicate that members of the South African Defense Force on duty in Angola and Namibia have been killing and smuggling rhinos, African elephants (*Loxodonta africana*), and other wildlife for personal gain. This investigation confirmed those allegations.

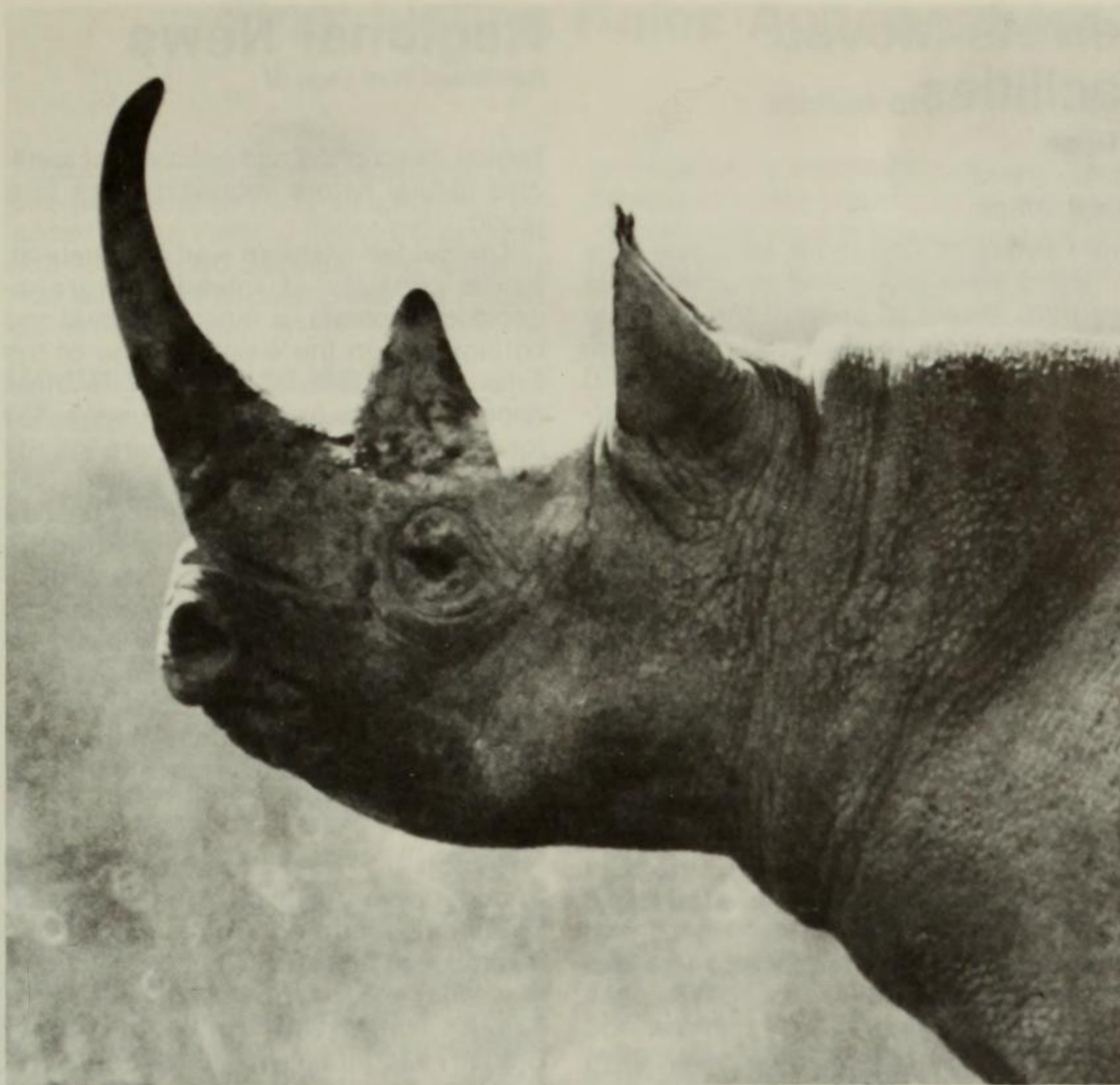
Rhino horn is not actually a horn but a growth of densely packed fibers of keratin, the same kind of protein that makes up human hair and fingernails. The horns weigh an average of 6 to 7 pounds and are from 1 to 3 feet in length. They are used primarily as handles for ceremonial daggers in some Arab countries, and in powdered form in Asia as a fever reducer and an aphrodisiac. Rhino horn is sold on the black market throughout the world. Published reports indicate that a rhino horn usually sells in the United States for

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Fish and Wildlife Service photo

Evidence seized during the investigation included illegally imported rhinoceros horns, spotted cat trophies, and AK-47 machine guns.



The black rhinoceros population has plummeted from over 65,000 in 1970 to fewer than 4,000 today, and the illegal killing of this Endangered animal for its "horn" continues at an alarming pace.

Rhino Horn

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\$450 an ounce—about the price of gold. In some countries in the Middle East and eastern Asia, the price has been reported to approach \$1,000 per ounce.

Rhinoceros populations in Africa have been decimated by poaching in recent years. The black rhino (*Diceros bicornis*) of Africa, from which the horns involved in this case are believed to have come, numbered over 65,000 in 1970. By 1985, the population had shrunk to 11,000, and today fewer than 4,000 of these rhinos remain. The population is estimated to decline by half every 4 to 5 years. Some have been collected for captive breeding, but many people believe the species could shortly become extinct in the wild.

All species of rhinos are on Appendix I of CITES, to which both the United States and South Africa are signatory countries. Pursuant to this treaty, the importation of a rhinoceros, or any part thereof, into the United States is illegal without the proper permits from the U.S. and the exporting country. Except for the southern population of the white rhino in Africa, all rhinos of Africa and Asia also are listed as Endangered under the U.S. Endangered Species Act.

Rhino experts have stressed the need for 1) greater international cooperation to stop illegal trade, 2) improved management of major rhino populations, and 3) protected sanctuaries if the rhino is to survive in the wild.

Federal Investigation Documents Illegal Trade in Rare Parrots

The U.S. Fish and Wildlife Service recently concluded "Operation Psittacine," a 2-year investigation that documented extensive illegal importation of parrots from Mexico and Central and South America into the United States. Information gathered during the investigation indicated that as many as 26,000 birds per year are smuggled across the U.S./Mexico border near Brownsville, Texas, alone.

This was the first major covert effort by the Service to target illegal parrot dealers operating away from the country's border areas. Agents from six districts of the Fish and Wildlife Service's Law Enforcement Division and U.S. Customs Service worked on the investigation. The agents represented themselves as bird buyers for a local chain of pet stores in Dayton, Ohio, which cooperated with the investigation. This enabled the agents to document the activities of illegal parrot dealers. As a result of this investigation, 36 people in 6 States (Indiana, Missouri, Illinois, Wisconsin, Texas, and California) will be prosecuted for felony violations of Federal

smuggling statutes and the Lacey Act. The Lacey Act is aimed at preventing illegal trade in protected wildlife.

Smuggled parrots valued at an estimated \$468,000, along with an airplane and vehicles valued at \$93,000, were seized during the investigation. The confiscated birds included scarlet macaws (*Anodorhynchus macao*), palm cockatoos (*Probosciger aterrimus*), thick-billed parrots (*Rhynchopsitta pachyrhyncha*), and several other parrot species (*Amazona* sp.). Trade in these species is regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The thick-billed parrot also is protected under the Endangered Species Act.

The smuggling of parrots is not only a threat to wild parrot populations but also to birds in the United States. Smuggled parrots are not put through normal quarantine procedures and can carry the highly contagious Newcastle's disease. This viral disease can infect poultry and other bird species.



palm cockatoo