white-tailed deer in the United States is, in some ways, comparable to the kangaroo in Australia. The white-tailed deer analogy is utilized herein to provide a measure of scale. Scale is important for understanding the size of ranges, the size of populations, the size of the harvest, and the magnitude of management and law enforcement problems. It is fully understood that harvest mechanisms differ between deer (sport-hunting) and kangaroos (commercial harvest). That significant difference, however, is not directly relevant to the present discussion.

The white-tailed deer may be about as numerous in the United States as are the three kangaroos in Australia, and the white-tailed deer is sufficiently managed at about the same intensity as are the kangaroos. State and the Commonwealth governments in Australia accomplish a variety of aerial and ground censuses and computer simulations to estimate kangaroo populations, and these estimates become the basis for the establishment of harvest quotas. State governments in the United States use a variety of ground surveys and computer simulation models to estimate white-tailed deer populations, and these estimates become the basis for establishing desired levels of harvest. Some level of public comment is sought in establishing harvest levels in both countries. Some level of appraisal of habitat carrying capacity frequently occurs for both deer and the kangaroo species. The actual harvests of kangaroos in Australia and deer in the United States are regulated by complex licensing systems. Landholders seek harvest permits from State governments in Australia and professional hunters seek licenses from those State governments and hunt permission from individual landholders in order to legally kill kangaroos. The professional hunter then sells kangaroo hides and/or carcasses to licensed dealers. State governments in the United States establish hunting seasons and bag limits and sell licenses to individual hunters who must seek permission to hunt on private lands but who may also hunt on certain public lands. Deer hunters vary considerably in their hunting skills and deer products are for personal rather than commercial use. Some level of illegal kill occurs in each country because there are insufficient resources to police all levels of the kangaroo industry and all deer hunting events.

One major difference between deer and kangaroo management is that kangaroos in arid habitats seem more likely to experience large population fluctuations. A second difference between deer and kangaroo management is that in the United States 12 million licensed hunters annually kill 3 million deer for personal consumption, whereas in Australia 3 million kangaroos may be killed by about 1700 licensed professional hunters who each kill an average of 1800 kangaroos for commercial purposes. Neither species is threatened by its respective management regime, as both deer and kangaroos are managed in a way that is adequate to maintain harvestable populations over time.

The Center for International Environmental Law (CIEL) provided three comments that are answered individually, below. The first comment from CIEL stated that the proposal to delist the three species is a political action and is not a justified biological decision. CIEL maintained that Australia had put political pressure on the Bush administration, and that this delisting action was the last act of the Service during that Administration. CIEL also held that a brief 60-day comment period underscores the attempt to sneak a final rule past a new Administration.

The Service response is that the proposal to delist these species, published in the Federal Register on January 21, 1993, evolved from a request in a December 20, 1989, petition filed by Greenpeace USA, "to reinstate the ban on commercial importation of kangaroos and kangaroo products". That petition generated a review that was subsequently cited in a petition to delist the species filed on November 6, 1990, by the Wildlife Legislative Fund of America. The Service notes correspondence from the Center for International Environmental Law, dated April 9, 1992, requesting that the Service make a final decision on both petitions by the end of the summer of 1992. Consequently, the Service made every effort to arrive at a decision regarding the two petitions and to publish the required proposal in as timely a manner as possible. A Service biologist returned from a fact-finding trip to Australia on August 1, 1992, and prepared the proposed rule by mid-November. The intervening 2-month period from mid-November until publication in mid-January reflects normal Service review time and delays associated with the holiday season. The 60-day comment period on the proposed rule is not at all unusual. It is the same comment period specified in some other recent proposed rules involving foreign species such as the Queen Alexandra's Birdwing Butterfly in the March 1, 1989, Federal Register (54 FR 8574) and the

Nile Crocodile in the August 3, 1992, **Federal Register** (57 FR 34095).

The second comment from CIEL declared that the proposal to delist the three species of kangaroos continues a pattern seen over the past few years during which time the Service has failed to add protection to, or has reduced protection for, several species of commercial interest.

The Service response is that it has not abrogated its responsibilities to world conservation and arbitrarily reduced protection to species because of their commercial value. The Service supports the sustainable use of wildlife if that use can be shown not to threaten the survival of the species. The Service, since 1989, has added foreign species to the list of endangered species under the United States Endangered Species Act (e.g., the chimpanzee, several snubnosed monkeys, and a variety of birds, including psittacines, and turtles). The Service periodically reevaluates the status of species as new information becomes available and occasionally transfers species between lists or removes species from the lists of endangered and threatened species when justified. The Service supported the listing of the African elephant and six species of fruit bats to Appendix I at the Seventh Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1989 and successfully proposed the addition of the Goffin's cockatoo and the bog turtle to Appendix I at the Eighth Meeting of the CITES Conference of the Parties in 1992. The Service also successfully proposed five other additions to Appendix II at the 1992 meeting and offered proposals to amend Appendices, in accordance with the 10-year review process of CITES. Some of those proposals required the transfer of species between Appendices. The Service sought to suspend commercial trade in certain wild bird species of concern that are listed in Appendix II of CITES at the 1992 CITES Convention and supported the passage of domestic legislation in 1992 (The Wild Bird Conservation Act of 1992) to ensure that U.S. bird imports do not jeopardize wild bird populations.

The third comment from CIEL states that the Service must retain the kangaroos on the list of threatened species and reinstate the import ban because the long and continuing drought constitutes an important natural factor affecting the existence of these species of kangaroos.

The Service notes that enclosures submitted by CIEL on March 22, 1993, clearly indicate extensive areas in New