

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination That *Arctostaphylos hookeri* ssp. *ravenii* Is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines that *Arctostaphylos hookeri* ssp. *ravenii*, the Raven's manzanita, is an Endangered species. Only a single individual of this plant is known to remain in the wild and it is potentially under threat from horticultural collecting, vandalism, or changes in land use. The present action will afford it the protection provided by the Endangered Species Act of 1973, as amended.

DATE: This rule takes effect on November 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 203/235-2771.

SUPPLEMENTARY INFORMATION:**Background**

The Service published a proposal in the June 16, 1976, *Federal Register* advising that sufficient evidence was then on file to support determinations that 1783 plant taxa, including Raven's manzanita (*Arctostaphylos hookeri* D. Don ssp. *ravenii* Wells), were Endangered species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*). That proposal indicated that each of the included species was threatened with extinction over all or a significant portion of its range by one or more of the factors set forth in section 4(a) of the Act as appropriate grounds for a determination of Endangered or Threatened status; specified the prohibitions which would be applicable if such a determination were made; and solicited comments, suggestions, objections and factual information from all interested persons. A public hearing regarding the proposal was held on July 22, 1976, in El Segundo, California. Notification of the proposal and a solicitation for comments or suggestions were sent on July 1, 1976, to the Governor of California, and other interested parties.

In the June 24, 1977 *Federal Register*, the Service published a final rule (42 FR 32373-32381, codified at 50 CFR 17.61-17.73) detailing regulations to protect Endangered and Threatened plant

species. The rule established prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

Summary of Comments and Recommendations

Section 4 (b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the *Federal Register* prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

The State of California's general comments were summarized in the August 11, 1977 *Federal Register* (42 FR 40682-40685). The State made no specific comments concerning Raven's manzanita.

All public comments received during the period from June 16, 1976 to August 1, 1979 were considered. Comments of a general nature relating to this proposal were summarized in the April 26, 1978, *Federal Register* (43 FR 17910-17916).

Mr. John P. Swaley, Timberlands Manager for the Western Woodlands division of Masonite Corporation, listed a number of taxa from California, among them *Arctostaphylos hookeri* ssp. *ravenii* which, although they had been proposed for Endangered status, were not treated in standard floristic works for the region. This apparent inconsistency is explained by the fact that the taxon has only been recognized as distinct recently because of its having been confused with *A. franciscana* (itself a rare species now extinct in the wild).

Similarly, Mr. Fred Landenberger, of the California Forest Protective Association, commented that *Arctostaphylos hookeri* ssp. *ravenii* had not been included in the Inventory of Rare and Endangered Vascular Plants of California, published by the California Native Plant Society (CNPS) in 1974.

In response to an inquiry, CNPS has informed the Service that this subspecies is currently under consideration for inclusion in a revised version of the Inventory, and was initially overlooked because it had been published such a short time before the appearance of the original Inventory.

A status report on Raven's manzanita, prepared by CNPS in cooperation with the U.S. Forest Service, was solicited by the Service after the official comment period, and contained information which, together with data available at the time of proposal, was used in preparing this rule. The status report gives: (1) Synonymy and history of scientific name; (2) distribution; (3) description, including differences from close relatives; (4) habitat; (5) endangerment factors; (6) management

suggestions; and (7) references. Factual data derived from this report concerning distribution, habitat and endangerment factors are included in the conclusion which follows.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that Raven's manzanita (*Arctostaphylos hookeri* D. Don. ssp. *ravenii* P. V. Wells) is in danger of becoming extinct throughout all of its range due to four of the factors described in Section 4(a) of the Act.

The following review amplifies and substantiates the applicability to this plant of the five factors described in section 4(a) of the Act.

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* First described in 1968, this subspecies now occurs as a single plant on the Presidio (U.S. Army), San Francisco County, California. It is believed that Raven's manzanita once occurred at three other locations in San Francisco County and that those populations were destroyed by housing development. This last remaining individual in the wild could be destroyed by a single inadvertent action.

In addition to potential development, competition with nonnative plants poses a serious threat to native plants on the Presidio. Particularly aggressive competitors are Monterey cypress (*Cupressus macrocarpa*), eucalypts or gums (*Eucalyptus* spp.), and ice-plants (*Mesembryanthemum* spp.).

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Native plant gardens in California often include various species of manzanita. An overzealous collector could remove or seriously harm the last wild plant. This subspecies is maintained in at least one local botanic garden which could serve as a source of supply to rare plant fanciers.

3. *Disease or predation*—Not known to affect this species.

4. *The inadequacy of regulatory mechanisms.*—California has legislation to protect native endangered plants and Raven's manzanita is listed as Endangered by the State. However, Federal listing as Endangered will reinforce the protection now available to this plant. Because it grows on land controlled by a U.S. Government agency, section 7 of the Act will be important in assuring its preservation.

5. *Other natural or manmade factors affecting its continued survival.* Members of the genus *Arctostaphylos* are pollinated by large bees (e.g. *Bombus* [Bombidae] and

Anthophora [Anthophoridae]). Populations of native insects in San Francisco have been seriously reduced, and it is important to the recovery of Raven's manzanita that healthy populations of pollinators be maintained in a natural state in the vicinity of this plant.

Effect of the Rulemaking

Section 7(a) of the Act, as amended, provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for interagency cooperation were published on January 4, 1978, in the **Federal Register** (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. The present rule requires Federal agencies to satisfy these statutory and regulatory obligations with respect to *Arctostaphylos Hookeri* ssp. *ravenii*. Endangered species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations which pertain to Endangered species of plants are found at Section 17.61-17.63 (42 FR 32373-32381).

With respect to this plant, all pertinent prohibitions of Section 9(a)(2) of the Act, as implemented by 50 CFR Part 17.61 would apply. These prohibitions, in general, make it illegal for any person subject to the jurisdiction of the United States to import or export Endangered plants; deliver, receive, carry, transport, or ship them in interstate commerce in the course of a commercial activity; or to sell or offer them for sale in interstate or foreign commerce.

Section 10 of the Act and the regulations referred to above provide for

the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Effect Internationally

In addition to the protection provided by the Act, the Service will review this plant to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendix to that Convention or whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Critical Habitat

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

§ 17.12 Endangered and threatened plants.

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion endangered			
<i>Encaceae—Heath Family</i>						
<i>Arctostaphylos hookeri</i> ssp. <i>ravenii</i> .	Raven's manzanita	U.S.A.(CA)	Entire	E	83	N/A

The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: October 22, 1979.
Robert S. Cook,
 Acting Director, Fish and Wildlife Service.

At the time any such regulation [to determine a species to be Endangered or Threatened] is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Arctosaphylos hookeri ssp. *ravenii* is presently known from a single locality and may be reduced in the wild to a single individual. Species of this genus are sometimes taken from the wild as garden subjects. Its extreme vulnerability to vandalism or horticultural collecting could be increased by the notoriety attached to its listing as Endangered. Critical Habitat designation would publicly identify the locality of the last known wild plant of the subspecies and could lead to its destruction. Furthermore, since the Department of the Army has been advised of the plant's location and of that Department's responsibilities under section 7 of the Act, determining Critical Habitat would not provide any additional benefit to this species. Accordingly, the Service is not designating critical habitat for Raven's manzanita in this rule.

The primary authors of this rule are Drs. Paul A. Opler and John J. Fay, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/231-1975).

Regulation Promulgation

Accordingly, § 17.12 of Part 17.0 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order, by family, genus, and species, the following plant: