

from Gorda Peak, Virgin Gorda, British Virgin Islands. Habitat loss and modification are the primary threats to these species. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for *Myrcia paganii* and *Calypttranthes thomasiana*. The Service seeks data and comments from the public on this proposal.

**DATES:** Comments from all interested parties must be received by March 8, 1993. Public hearing requests must be received by February 19, 1993.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquero, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, during normal business hours at this office, and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street, S.W., Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Silander at the Caribbean Field Office address (809/851-7297).

**SUPPLEMENTARY INFORMATION:**

**Background**

*Myrcia paganii*, a small evergreen tree, was first collected by Paul Sintenis during the last part of the nineteenth century. The species was named for Juan Bianchi Pagán, who collected the species with Krug. However, the type specimen was destroyed during World War II and no duplicates are known to exist. *Myrcia paganii* was not collected again until Roy Woodbury rediscovered the species in 1959 in the Biafara-Arrozal area to the south of the city of Arecibo, located in northern Puerto Rico. Six individuals are known from this privately owned site (Vivaldi and Woodbury 1981). The species has been reported more recently from two locations, one individual at each, in the Quebradillas area of northwestern Puerto Rico (Department of Natural Resources 1992).

*Myrcia paganii* is an evergreen tree which may reach 9 meters (30 feet) and 13 centimeters (5 inches) in diameter. The bark is mottled and flaky and the inner bark is orange-brown. Young twigs are flattened and have numerous soft brownish hairs. The leaves are opposite, simple, entire, coriaceous, aromatic, and glandular punctate below. The leaf blade is elliptic to elliptic-oblong, villous when young but glabrescent, 10 to 16 centimeters (4 to 6¼ inches) long, and 4 to 9 centimeters (1½ to 3½ inches) wide. The leaf base is acute, the apex obtuse, and the midvein is clearly

impressed above. Petioles are 4 to 5 millimeters long. The flowers and fruit have not been described.

*Calypttranthes thomasiana* was described in 1855 from specimens collected from St. Thomas, U.S. Virgin Islands. Although collected from St. Thomas, it has not been reported from the island in recent years. It was previously thought to be endemic to Puerto Rico and the U.S. Virgin Islands, but was recently reported from Virgin Gorda, British Virgin Islands, where it occurs within the National Park (Center for Plant Conservation 1992; G. Proctor, pers. comm.). It is currently known from only three locations: Monte Pirata on the island of Vieques in Puerto Rico; Bordeaux Mountain on the island of St. John, U.S. Virgin Islands; and Gorda Peak in Virgin Gorda, British Virgin Islands.

*Calypttranthes thomasiana* is an evergreen shrub or small tree which may reach 9 meters (30 feet) in height and 13 centimeters (5 inches) in diameter. Leaves are opposite, obovate to oblong, 2 to 4 centimeters (¾ to 1¾ inches) long, blunt at the apex, and short pointed at the base. The leaves are coriaceous, with gland dots, shiny on the upper surface, and dull on the lower surface. Flowers and fruit have not been described.

*Calypttranthes thomasiana* is found only at three localities. Only 10 to 12 individuals are now known from Monte Pirata, where it is located on U.S. Navy property. However, additional individuals may have been eliminated by the construction of Navy facilities on this peak (Department of Natural Resources 1992). This area was severely affected by Hurricane Hugo in 1989. As many as 100 mature individuals are known from a small area on Bordeaux Mountain of St. John, part of the National Park and managed by the National Park Service, U.S. Department of the Interior (G. Ray, pers. comm.; Woodbury and Weaver 1987). Although on Virgin Gorda the species is found within the National Park of the British Virgin Islands Government, it is rare and localized and may be impacted by park management practices (Center for Plant Conservation 1992; G. Proctor, pers. comm.).

*Myrcia paganii* and *Calypttranthes thomasiana* were recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilippis 1978). The species were included among the plants being considered as endangered or threatened by the Service, as published in the Federal Register notice of review dated December 15, 1980 (45 FR 82480); the November 28, 1983 update (48 FR

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AB 83**

**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for "Myrcia paganii" and "Calypttranthes thomasiana"**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to determine *Myrcia paganii* (no common name) and *Calypttranthes thomasiana* (no common name) to be endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. *Myrcia paganii*, a small tree, is endemic to Puerto Rico and known from only three locations in the limestone hills of the northwestern part of the island. *Calypttranthes thomasiana*, a small tree, is only known from one area on the island of Vieques in Puerto Rico, one area in St. John, U.S. Virgin Islands, and

53680), the revised notice of September 27, 1985 (50 FR 39526), and the February 21, 1990 (55 FR 6184) notice of review. Both species were designated as category 1 species (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in the notice of review published on February 21, 1990.

In a notice published in the *Federal Register* on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. Beginning in October 1983, and in each October thereafter, the Service found that listing *Myrcia paganii* and *Calypttranthes thomasiana* was warranted but precluded by other pending listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. This proposed rule constitutes the final 1-year finding in accordance with section 4(b)(3)(B)(ii) of the Act.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Myrcia paganii* Krug & Urban and *Calypttranthes thomasiana* Berg. are as follows:

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

Two populations of *Myrcia paganii* are found on privately owned land currently subject to intense pressure for agricultural, rural and tourist development. Adjacent land is currently being cleared for grazing by cattle and goats. One individual has been reported from the Guajataca Commonwealth Forest, where it may be affected by forest management practices. Although on Vieques Island *Calypttranthes thomasiana* is found on U.S. Navy property, this area has been severely modified for the construction of Navy facilities. Expansion of the facilities may result in the elimination of individual plants. Although known individuals on St. John are found within the National Park, these may be affected by park

management practices and the presence of feral pigs and donkeys.

##### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Taking for these purposes has not been a documented factor in the decline of these species.

##### C. Disease or Predation

Disease and predation have not been documented as factors in the decline of these species.

##### D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Myrcia paganii* and *Calypttranthes thomasiana* are not yet on the Commonwealth list. Federal listing would provide immediate protection and, if the species are ultimately placed on the Commonwealth list, enhance their protection and possibilities for funding needed research.

##### E. Other Natural or Manmade Factors Affecting its Continued Existence

One of the most important factors affecting the continued survival of these species is their limited distribution. Because so few individuals are known to occur in a limited area, the risk of extinction is extremely high. Hurricane Hugo in 1989 dramatically affected the Monte Pirata area of Vieques, felling large trees and creating numerous canopy gaps.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Myrcia paganii* and *Calypttranthes thomasiana* as endangered. Both *Myrcia paganii* and *Calypttranthes thomasiana* are each known from only three locations. Deforestation for rural, agricultural, residential, and tourist development are imminent threats to the survival of the species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for these species are discussed below in the "Critical Habitat" section.

##### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the

time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The number of individuals of *Myrcia paganii* and *Calypttranthes thomasiana* is so sufficiently small that vandalism and collection could seriously affect the survival of the species. Publication of critical habitat descriptions and maps in the *Federal Register* would increase the likelihood of such activities. The Service believes that Federal involvement in the areas where these plants occur can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting these species' habitats.

Protection of these species' habitats will also be addressed through the recovery process and through the section 7 consultation process.

##### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, required Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or

to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat is being proposed for these two species, as discussed above. Federal involvement is anticipated for the population of *Calypttranthes thomasiana* located on Monte Pirata in Vieques, U.S. Navy property, and for the population located in the Virgin Island National Park in St. John.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for these three species will ever be sought or issued, since the species are not known to be in cultivation and are uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358-2104).

**Public Comments Solicited**

The Service intends that any final action resulting from this proposal will be as accurate and as effective as

possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Myrcia paganii* and *Calypttranthes thomasiana*;
- (2) The location of any additional populations of these three species, and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;
- (3) Additional information concerning the range and distribution of these species; and
- (4) Current or planned activities in the subject areas and their possible impacts on these three species.

Final promulgation of the regulation on *Myrcia paganii* and *Calypttranthes thomasiana* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622.

**National Environmental Policy Act**

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

**References Cited**

Ayensu, E.S. and R.A. Defilippis. 1978. Endangered and threatened plant of the

United States. Smithsonian Institution and World Wildlife Fund, Washington, D.C. xv + 403 pp.  
 Center for Plant Conservation. 1992. Report on the rare plants of Puerto Rico. Missouri Botanical Garden, St. Louis, Missouri.  
 Department of Natural Resources. 1992. Natural Heritage Program status information of *Myrcia paganii* and *Calypttranthes thomasiana*, San Juan, Puerto Rico.  
 Vivaldi, J.L. and R.O. Woodbury. 1981. Status report on *Myrcia paganii* Krug & Urban. Unpublished report submitted to the U.S. Fish and Wildlife Service, Atlanta, Georgia. 24 pp.  
 Woodbury, R.O. and P.L. Weaver. 1987. The vegetation of St. John and Hassel Island, U.S. Virgin Islands. U.S. Department of the Interior, National Park Service, Southeast Regional Office, Research/Resources Management Report SER-83. 103 pp.

**Author**

The primary author of this proposed rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 (809/8512-7297).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species. Exports, Imports, Reporting and record-keeping requirements, and Transportation.

**Proposed Regulation Promulgation**

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order, to the list of Endangered and Threatened Plants:

**§ 17.12 Endangered and Threatened Plants.**

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- (h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Myraceae—Myrtle family:						
<i>Calypttranthes thomasiana</i>	None	U.S.A. (PR,VI)	E		NA	NA

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
		British VI				
<i>Myrcia paganii</i>	None	U.S.A. (PR)	E		NA	NA

Dated: December 15, 1992.

**Richard N. Smith,**

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