

Commission requested public comments on the desirability of amending § 1312.20(h) (49 CFR 1312.20(h)) to require that adoption publications be filed not more than 60 days after consummation of the event giving rise to their filing. The existing regulation specifies that adoption publications should be filed prior to consummation, if possible; and that, if for some reason filing cannot be accomplished prior to consummation, they should be filed as soon as possible thereafter, i.e. "promptly". The new regulation will replace "promptly" with the more specific requirement that adoption publications be filed no later than 60 days after consummation of the transaction.

The regulation is not controversial. The National Bus Traffic Association, Inc. filed the only response to our notice of proposed rulemaking, and it supported the regulation.

Timely filing of adoption publications is important. Absent a new carrier's filing of its own tariffs or adoption of the former carrier's tariffs, any operations conducted by the new carrier violate 49 U.S.C. 10761(a), which prohibits service by a carrier unless "the rate for transportation or service is contained in a tariff that is in effect \* \* \*". Thus, the failure to timely file either new tariffs or adoption publications can result in a violation of the statute. Additionally, users and potential users of transportation services have no way of determining from the tariff system the rates for the new carrier's services unless adoption publications or new tariffs have been filed. We will adopt the regulation as proposed.

As indicated in the notice of proposed rulemaking, the 60-day deadline is intended only as the maximum allowable time; it should not be viewed as an opportunity to delay filings beyond the consummation date. As stated in both the old and new regulations, adoption publications should be filed prior to the consummation date whenever possible.

#### Environmental and Energy Considerations

This rule revision will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### Regulatory Flexibility Analyses

Pursuant to 5 U.S.C. 605(b), we conclude that this action will not have a significant economic impact on a substantial number of small entities. The action merely clarifies the timing of a one-time filing requirement already

required by the Commission's regulations. Thus, no new substantive requirements are being imposed.

#### List of Subjects in 49 CFR Part 1312

Motor carriers, Moving of household goods, Pipelines, Tariffs.

Decided: February 18, 1994.

By the Commission, Chairman McDonald, Vice Chairman Phillips, Commissioners Simmons and Philbin.

Sidney L. Strickland, Jr.,  
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1312 of the Code of Federal Regulations is amended as follows:

#### PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS

1. The authority citation for part 1312 continues to read as follows:

**Authority:** 5 U.S.C. 553; 49 U.S.C. 10321, 10762 and 10767.

2. In § 1312.20, paragraph (h)(1) is revised to read as follows:

#### § 1312.20 Transfer of operations—change in name and control.

\* \* \* \* \*

(h) \* \* \*  
(1) The effective date of adoption publications is the date of consummation of the transaction for which such publications are required. Adoption publications shall be filed promptly and, if possible, prior to their effective date, but in no case later than 60 days thereafter.

\* \* \* \* \*

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#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AB89

#### Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for 21 Plants From the Island of Hawaii, State of Hawaii

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

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) determines endangered status pursuant to the Endangered Species Act of 1973, as

amended (Act), for 20 plants: *Clermontia lindseyana* ('oha wai), *Clermontia peleana* ('oha wai), *Clermontia pyricularia* ('oha wai), *Colubrina oppositifolia* (kauila), *Cyanea copelandii* ssp. *copelandii* (haha), *Cyanea hamatiflora* ssp. *carlsonii* (haha), *Cyanea shipmanii* (haha), *Cyanea stictophylla* (haha), *Cyrtandra giffardii* (ha'iwale), *Cyrtandra tintinnabula* (ha'iwale), *Ischaemum byrone* (Hilo ischaemum), *Isodendron pyrifolium* (wahine noho kula), *Mariscus fauriei* (no common name (NCN)), *Nothocestrum breviflorum* ('aiea), *Ochrosia kilaueaensis* (holei), *Plantago hawaiiensis* (laukahi kuahiwi), *Portulaca sclerocarpa* (po'e), *Pritchardia affinis* (loulou), *Tetramolopium arenarium* (NCN), and *Zanthoxylum hawaiiense* (a'e). The Service also determines threatened status for one plant, *Silene hawaiiensis* (NCN). All but eight of the taxa are endemic to the island of Hawaii, Hawaiian Islands; the exceptions were from the islands of Niihau, Kauai, Oahu, Molokai, Lanai, and/or Maui as well as Hawaii. The 21 plant taxa and their habitats have been variously affected or are currently threatened by competition, predation or habitat degradation from introduced species, habitat loss from development and other human activities, natural disasters and stochastic events. This rule implements the Federal protection provisions provided by the Act for these plants. One taxon, *Hesperocnide sandwicensis*, which had been proposed for listing with the above species, has been withdrawn from consideration as a result of additional information received indicating the species is more abundant than previously believed. A notice withdrawing the proposal is published in the Federal Register concurrently with this final rule.

**EFFECTIVE DATE:** This rule takes effect on April 4, 1994.

**ADDRESSES:** The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850.

**FOR FURTHER INFORMATION CONTACT:** Robert P. Smith, at the above address (808/541-2749).

#### SUPPLEMENTARY INFORMATION:

#### Background

*Clermontia lindseyana*, *Clermontia peleana*, *Clermontia pyricularia*, *Colubrina oppositifolia*, *Cyanea copelandii* ssp. *copelandii*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea shipmanii*, *Cyanea stictophylla*,

*Cyrtandra giffardii*, *Cyrtandra tintinnabula*, *Hesperocnide sandwicensis*, *Ischaemum byrone*, *Isodendron pyriformis*, *Mariscus fauriei*, *Nothocestrum breviflorum*, *Ochrosia kilaueaensis*, *Plantago hawaiiensis*, *Portulaca sclerocarpa*, *Pritchardia affinis*, *Silene hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense* are endemic to or have the majority of their populations on the island of Hawaii, Hawaiian islands. Thirteen of these taxa are endemic to the Island of Hawaii; four additional taxa are now found only on Hawaii. One of these taxa is now or was previously also known from Niihau, one from Kauai, two from Oahu, four from Molokai, four from Lanai, and six from Maui.

The island of Hawaii is the southernmost, farthest east, and the youngest of the eight major Hawaiian Islands. This largest island of the Hawaiian archipelago comprises 4,038 square miles (mi) (10,458 square kilometers (km)), or two-thirds of the land area of the State of Hawaii, giving rise to its common name, the "Big Island." The Hawaiian Islands are volcanic islands formed over a "hot spot," a fixed area of pressurized molten rock deep within the Earth. As the Pacific Plate, a section of the Earth's surface many miles thick, has moved to the northwest, the islands of the chain have separated. Currently, this hot spot is centered under the southeast part of the island of Hawaii, which is one of the most active volcanic areas on Earth. Five large shield volcanoes make up the island of Hawaii: Mauna Kea at 13,796 feet (ft) (4,205 meters (m)) and Kohala at 5,480 ft (1,670 m), both extinct; Hualalai, at 8,271 ft (2,521 m), which is dormant and will probably erupt again; and Mauna Loa, at 13,677 ft (4,169 m) and Kilauea, at 4,093 ft (1,248 m), both of which are currently active and adding land area to the island. Compared to Kauai, which is the oldest of the main islands and was formed about 5.6 million years ago, Hawaii is very young, with fresh lava and land up to 0.5 million years old (Cuddihy and Stone 1990, Culliney 1988, Department of Geography 1983, Macdonald *et al.* 1983).

Because of the large size and range of elevation of the island, Hawaii has a great diversity of climates. Windward (northeastern) slopes of Mauna Loa have rainfall up to 300 inches (in) (118 centimeters (cm)) per year in some areas. The leeward coast, shielded by the mountains from rain brought by trade winds, has areas classified as desert and receiving as little as 7.9 in (20 cm) of rain annually. The summits

of Mauna Loa and Mauna Kea experience snowfall each year, and Mauna Kea was glaciated during the last Ice Age (Culliney 1988, Department of Geography 1983, Macdonald *et al.* 1983, Wagner *et al.* 1990).

Plant communities on Hawaii include those in various stages of primary succession on the slopes of active and dormant volcanoes, some in stages of secondary succession following disturbance, and relatively stable climax communities. On Hawaii, vegetation is found in all classifications: Coastal, dryland, montane, subalpine, and alpine; dry, mesic, and wet; and herblands, grasslands, shrublands, forests, and mixed communities. The vegetation and land of the island of Hawaii have undergone much change through the island's history. Since it is an area of frequent volcanic activity, vegetated areas are periodically replaced with bare lava. Polynesian immigrants, first settling on Hawaii by 750 A.D., made extensive alterations in lowland areas for agriculture and habitation. European contact with Hawaii brought intentional and inadvertent introductions of alien plant and animal species. By 1960, 65 percent of the total land area of the island of Hawaii was used for grazing, and much land has also been converted to modern cropland (Cuddihy and Stone 1990, Gagne and Cuddihy 1990).

The 21 taxa included in this rule occur between sea level and 8,600 ft (0 and 2,260 m) in elevation in various portions of the island of Hawaii. A number of the taxa are also found in central Kauai (one taxon), in the Waianae Mountains of Oahu (one taxon), on eastern Molokai (three taxa), in central and southern Lanai (two taxa), and on east Maui (three taxa). Most of the species in this rule exist as remnant plants persisting in grazed areas or in higher elevations which have only recently been heavily invaded by alien plant and animal species. The taxa in this rule grow in a variety of vegetation communities (herbland, shrublands, and forests), elevational zones (coastal, lowland, montane, and subalpine), and moisture regimes (dry, mesic, and wet). One taxon is found in each of two coastal habitats: Dry shrubland and mesic forest. In lowland habitats, five taxa are found in dry forest, four in mesic forest, and two in wet forest. In montane habitats, one taxon is found in wet herbland, three taxa in dry shrubland, three in dry forest, four in mesic forest, and five in wet forest. In the subalpine area, one taxon is found in dry shrubland and two taxa in dry forest.

The land on which these 21 plant taxa are found is owned by various private parties, the State of Hawaii (including conservation district lands, forest reserves, natural area reserves, State parks, and the State seabird sanctuary), or is owned or managed by the Federal government (including a U.S. Fish and Wildlife Service refuge, a U.S. Army military reservation and a military training area, a National Park, and a U.S. Coast Guard lighthouse area).

#### Discussion of the 21 Taxa Included in This Rule and the One Taxon Withdrawn From Consideration for Listing

Rock (1957) named *Clermontia hawaiiensis* var. *grandis* on the basis of sterile specimens collected on the island of Hawaii in the 1950s. Later, after examining fertile material, he named the taxon *C. lindseyana* and also described a variety, var. *livida* (Rock 1962). The specific epithet commemorates Thomas Lindsey, a naturalist who brought the species to Rock's attention. St. John (1987a) described two other species, *C. albimontis* and *C. viridis*, but the author of the current treatment of the genus (Lammers 1990, 1991) considers St. John's species to fall within the range of *C. lindseyana* and recognizes no subspecific taxa.

*Clermontia lindseyana* of the bellflower family (Campanulaceae) is a terrestrial or epiphytic (not rooted in the soil) branched shrub or tree 8.2 to 20 ft (2.5 to 6 m) tall. The alternate, stalked, toothed leaves are 5 to 9 in (13 to 24 cm) long and 1.5 to 2.6 in (3.8 to 6.5 cm) wide. Two flowers, each with a stalk 0.4 to 1 in (1 to 2.5 cm) long, are positioned at the end of a main flower stalk 1 to 1.6 in (2.5 to 4 cm) long. The calyx (fused sepals) and corolla (fused petals) are similar in size and appearance, and each forms a slightly curved, five-lobed tube 2.2 to 2.6 in (5.5 to 6.5 cm) long and 0.4 to 0.7 in (0.9 to 1.8 cm) wide which is greenish white or purplish on the outside and white or cream-colored on the inside. The berries are orange and 1 to 1.6 in (2.5 to 4 cm) in diameter. This species is distinguished from others in this endemic Hawaiian genus by larger leaves and flowers, similar sepals and petals, and spreading floral lobes (Cuddihy *et al.* 1983, Lammers 1990, 1991).

Historically, *Clermontia lindseyana* was known from the island of Maui on the southern slope of Haleakala and from the island of Hawaii on the eastern slope of Mauna Kea and the eastern, southeastern, and southwestern slopes of Mauna Loa. One population of the species is known to be extant on State-owned land on Maui. This population

extends from Wailaulau Gulch to Manawainui Gulch and contains between 100 and 150 plants (Robert Hobdy, Department of Land and Natural Resources, *in litt.*, 1993). The 14 known populations on the island of Hawaii extend over a distance of about 53 by 13 mi (85 by 21 km). Populations are found near Laupahoehoe, in Piha, in Makahanaloa, near Puaakala, near Puu Oo, near Kulani Correctional Facility, near Kapapala, in Waiea Tract, near Kaapuna Lava Flow, and near Kahuku on privately and State-owned land. Approximately 125 to 175 individuals exist (Hawaii Heritage Program (HHP) 1991a1 to 1991a13). This species typically grows in *Acacia koa* (koa)- and *Metrosideros polymorpha* ('ohi'a)-dominated Montane Mesic Forests, often epiphytically, at elevations between 4,000 and 7,050 ft (1,220 and 2,150 m) (Gagne and Cuddihy 1990, HHP 1991a1 to 1991a13, Hawaii Plant Conservation Center (HPCC) 1991a, Lammers 1990, 1991). Associated species include *Coprosma* sp. (pilo), *Ilex anomala* (kawa'u), and *Myrsine* sp. (kolea) (HHP 1991a2, 1991a5, HPCC 1991a; Fern Duvall, Olinda Endangered Species Propagation Facility, pers. comm., 1992). The major threats to *Clermontia lindseyana* are competition from alien plant species such as *Passiflora mollissima* (banana poka) and *Pennisetum clandestinum* (Kikuyu grass), grazing and trampling by cattle (*Bos taurus*) and goats (*Capra hircus*), and habitat disturbance by feral pigs (*Sus scrofa*) (Cuddihy *et al.* 1983, HPCC 1991a, Pratt and Cuddihy 1991; F. Duvall and Arthur Medeiros, Haleakala National Park, pers. comms., 1992).

*Clermontia peleana* was first collected by John Lydgate at Hamakua, island of Hawaii, and listed as an unnamed variety of *C. gaudichaudii* by Hillebrand (1888). Rock later collected a specimen of the taxon near Kilauea, the volcano home of the Hawaiian goddess Pele, after whom he named the species (Rock 1913). Other names by which the species has been known include: *Clermontia gaudichaudii* var. *singuliflora* (Rock 1919b), *C. singuliflora* (Rock 1919b), *C. gaudichaudii* var. *barbata* (Rock 1919b), *C. clermontioides* var. *singuliflora* (Hochreutiner 1934); *C. clermontioides* var. *mauiensis*, a superfluous name (Hochreutiner 1934); and *C. clermontioides* var. *barbata* (St. John 1973). In the most recent treatment of the species (Lammers 1991), two subspecies of *C. peleana*, ssp. *singuliflora* and ssp. *peleana*, are recognized.

*Clermontia peleana* of the bellflower family is an epiphytic shrub or tree 5 to 20 ft (1.5 to 6 m) tall which grows on

'ohi'a, koa, *Cheirodendron trigynum* ('olapa), and *Sadleria* spp. (ama'u). The alternate, stalked, oblong or oval, toothed leaves reach a length of 3 to 8 in (8 to 20 cm) and a width of 1.2 to 2 in (3 to 5 cm). Flowers are single or paired, each on a stalk 1.2 to 1.8 in (3 to 4.5 cm) long with a main stalk 0.3 to 0.7 in (0.8 to 1.7 cm) long. Five small green calyx lobes top the hypanthium (basal portion of the flower). The blackish-purple (ssp. *peleana*) or greenish-white (ssp. *singuliflora*) petals, 2 to 2.8 in (5 to 7 cm) long and 0.3 to 0.5 in (0.8 to 1.3 cm) wide, are fused into a one-lipped, arching tube with five down-curved lobes. Berries of ssp. *peleana* are orange and 1 to 1.2 in (2.5 to 3 cm) in diameter; berries of ssp. *singuliflora* are unknown. This species is distinguished from others of the genus by its epiphytic growth habit; its small green calyx lobes; and its one-lipped, blackish-purple or greenish-white corolla (Lammers 1990, 1991).

Historically, *Clermontia peleana* ssp. *peleana* has been found only on the island of Hawaii on the eastern slope of Mauna Loa and the northeastern and southeastern slopes of Mauna Kea. Today, the taxon is found near Waiakaumalo Stream, by the Wailuku River, near Saddle Road, and between the towns of Glenwood and Volcano. The six known populations, which extend over a distance of about 12 by 5 mi (19 by 8 km), are located on State- and federally-owned land and contain a total of approximately eight known individuals (HHP 1991b1 to 1991b7). *Clermontia peleana* ssp. *singuliflora* was formerly found on the island of Hawaii on the northern slope of Mauna Kea and on East Maui on the northwestern slope of Haleakala, but the taxon has not been seen in either place since early in the century and is believed to be extinct (HHP 1991c1 to 1991c3, Wagner *et al.* 1990). This species typically grows epiphytically in Montane Wet Forests dominated by koa, 'ohi'a, and *Cibotium* spp. and/or *Sadleria* spp. (tree ferns) at elevations between 1,740 and 3,800 ft (530 and 1,160 m) (HHP 1991b1 to 1991b4, 1991b6, 1991b7, Lammers 1990, 1991). Associated species include 'olapa, *Melicope clusiiifolia* (kolokolo mokihana), and *Scaevola chamissoniana* (naupaka kuahiwi) (HHP 1991b1; Warren L. Wagner, Smithsonian Institution, pers. comm., 1992). The major threats to *Clermontia peleana* are habitat disturbance caused by feral pigs and illegal cultivation of *Cannabis sativa* (marijuana), roof or black rat (*Rattus rattus*) damage, flooding, and stochastic extinction and/or reduced

reproductive vigor due to the small number of existing individuals (Bruegmann 1990, Center for Plant Conservation (CPC) 1990).

A sterile specimen of *Clermontia pyrararia* was first collected on Mauna Kea, island of Hawaii, during the United States Exploring Expedition of 1840 and 1841 and was named *Delissea obtusa* var. *mollis* by Gray (1861b). Later, Hillebrand (1888) collected fertile specimens of the taxon and named it *C. pyrararia*, referring in the specific epithet to the fruits, which are sometimes shaped like those of *Pyrus* (pear).

*Clermontia pyrararia* of the bellflower family, a terrestrial tree 10 to 13 ft (3 to 4 m) tall, has alternate toothed leaves 5.9 to 11 in (15 to 28 cm) long and 1 to 2 in (2.5 to 5 cm) wide with winged petioles. A cluster of two, three, or sometimes up to five flowers has a main stalk 1.1 to 2.4 in (2.8 to 6 cm) long; each flower has a stalk 0.3 to 0.8 in (0.8 to 2 cm) long. Five small green calyx lobes top the hypanthium. The white or greenish-white petals are covered with fine hairs, measure 1.6 to 1.8 in (4 to 4.5 cm) long, and are fused into a curved two-lipped tube 0.2 to 0.3 in (5 to 8 mm) wide with five spreading lobes. The orange berry is inversely ovoid or inversely pear-shaped. This species is distinguished from others of the genus by its winged petioles; its small, green calyx lobes; its two-lipped flowers with white or greenish-white petals; and the shape of its berry (Lammers 1990, 1991).

Historically, *Clermontia pyrararia* has been found only on the island of Hawaii on the northeastern slope of Mauna Kea, the western slope of Mauna Loa, and the saddle area between the two mountains. Today, the species is found near the Humuula-Laupahoehoe boundary, near Hakalau Gulch, near Kealakekua, and near Kaawaloa. The five extant populations, which extend over a distance of about 47 by 6 mi (76 by 10 km), are located on privately, State and federally owned land. Although the exact number of individuals is not known, it is likely that not more than five individuals exist (HHP 1991d1 to 1991d6). This species typically grows in koa- and/or 'ohi'a-dominated Montane Wet Forests and Subalpine Dry Forests at elevations between 3,000 and 7,000 ft (910 and 2,130 m) (HHP 1991d2 to 1991d5, Lammers 1990, 1991). Associated species include pilo, *Lythrum maritimum* (pukamole), and *Rubus hawaiiensis* ('akala) (HHP 1991d2, 1991y). The major threat to *Clermontia pyrararia* is competition from alien grasses and shrubs in the forest understorey and banana poka as well as stochastic extinction and/or reduced

reproductive vigor due to the small number of existing populations and individuals (HHP 1991d2).

*Colubrina oppositifolia* was first collected by Remy in the 1850s and was named in 1867 by Adolphe Theodore Brongniart (Mann 1867). The specific epithet describes the plant's opposite leaf arrangement. St. John (1979) called Oahu plants *C. oppositifolia* var. *obatae*, but no subspecific taxa are recognized in the current treatment of the genus (Wagner *et al.* 1990).

*Colubrina oppositifolia* of the buckthorn family (Rhamnaceae), a tree 16 to 43 ft (5 to 13 m) tall, has opposite, stalked, oval, thin, pinnately veined, toothless leaves with glands on the lower surface. Leaves measure 2.4 to 4.7 in (6 to 12 cm) long and 1.2 to 2.8 in (3 to 7 cm) wide in mature plants and are larger in seedlings. Ten to 12 bisexual flowers are clustered at the end of a main stalk 0.1 to 0.3 in (3 to 8 millimeters (mm)) long; each flower has a stalk about 0.07 to 0.1 in (2 to 3 mm) long which elongates in fruit. The five triangular sepals measure about 0.06 to 0.08 in (1.5 to 2 mm) long, and the five greenish-yellow or white petals are about 0.06 in (1.5 mm) long. The somewhat spherical fruit, 0.3 to 0.4 in (8 to 11 mm) long, is similar to a capsule and opens explosively when mature. This species can be distinguished from the one other species of the genus in Hawaii by its growth habit and the arrangement, texture, venation, and margins of its leaves (Wagner *et al.* 1990).

Historically, *Colubrina oppositifolia* was found on the island of Oahu in the central and southern Waianae Mountains and on the island of Hawaii in the following areas: The Kohala Mountains; the northern slope of Hualalai; and the western, southwestern, and southern slopes of Mauna Loa. Today, the species is known on Oahu in eastern Makaleha Valley, Mokuleia Forest Reserve, and Makua Valley; on Mt. Kaala; and near Honouliuli Contour Trail on privately and State-owned and federally managed land. The 6 extant populations on Oahu, which extend over a distance of about 9 by 4 mi (14 by 6 km), contain approximately 94 known individuals (HHP 1991e1, 1991e2, 1991e5, 1991e9 to 1991e12). On the island of Hawaii, there are 7 extant populations which extend over a distance of about 16 by 4 mi (26 by 6 km), are located on privately and State-owned land, and contain about 185 to 205 known individuals. The species occurs along the Mamalahoa Highway on the northern slope of Hualalai as well as in Kapua and Pueo in the southernmost portion

of the island (HHP 1991e3, 1991e4, 1991e6 to 1991e8, 1991e13 to 1991e16). This species typically grows in *Diospyros sandwicensis* (lama)-dominated Lowland Dry and Mesic Forests, often on aa lava, at elevations between 800 and 3,000 ft (240 and 910 m). Associated species include *Canthium odoratum* (alahe'e) and *Reynoldsia sandwicensis* ('ohe) (HHP 1991e3, 1991e8, 1991e9, 1991e15, 1991e16, HPCC 1991b). The major threats to *Colubrina oppositifolia* are competition from alien plant species such as *Lantana camara* (lantana), *Pennisetum setaceum* (fountain grass), and *Schinus terebinthifolius* (Christmas berry); habitat disturbance by feral pigs; plant damage and death from black twig borer (*Xylosandrus compactus*); fire; damage and disturbance from military exercises; and limited regeneration (HHP 1991e4, 1991e8, 1991e9, 1991e15, 1991e16; Joel Q. Lau, The Nature Conservancy of Hawaii, pers. comm., 1992).

Rock (1917) named *Cyanea copelandii* to honor his collecting companion, M.L. Copeland, with whom he first collected the species in 1914 on the island of Hawaii (Rock 1917). St. John (1987b, St. John and Takeuchi 1987), believing there to be no generic distinction between *Cyanea* and *Delissea*, transferred the species to the genus *Delissea*, the older of the two generic names, creating *D. copelandii*. The current treatment of the family (Lammers 1990), however, maintains the separation of the two genera, and plants found on the island of Hawaii are considered to be *C. copelandii* ssp. *copelandii*. Subspecies *haleakalaensis*, found on Maui, is not as rare.

*Cyanea copelandii* ssp. *copelandii* of the bellflower family is a shrub with a habit similar to that of a woody vine. The alternate, stalked, toothed leaves are 7.9 to 10.6 in (20 to 27 cm) long and 1.4 to 3.3 in (3.5 to 8.5 cm) wide and have fine hairs on the lower surface. Five to 12 flowers are clustered on the end of a main stalk 0.8 to 1.8 in (2 to 4.5 cm) long; each flower has a stalk 0.2 to 0.6 in (0.4 to 1.6 cm) long. The slightly hairy hypanthium is topped by five small, triangular calyx lobes. Petals, which are yellowish but appear rose-colored because of a covering of dark red hairs, are fused into a curved tube with five spreading lobes; the corolla is 1.5 to 1.7 in (3.7 to 4.2 cm) long and about 0.2 in (4 to 5 mm) wide. Berries are dark orange and measure 0.3 to 0.6 in (0.7 to 1.5 cm) long. This subspecies is distinguished from ssp. *haleakalaensis*, the only other subspecies of *Cyanea copelandii*, by its narrower leaves. The species differs

from others in this endemic Hawaiian genus by its growth habit and the size, shape, and dark red pubescence of its corolla (Lammers 1990).

*Cyanea copelandii* ssp. *copelandii*, which has been collected only twice on the southeastern slope of Mauna Loa near Glenwood, was last seen in 1957. It is difficult to adequately survey the area because of vegetation density and the terrain. This population, located on State-owned land, was sighted recently enough that it is still considered extant and contains an unknown number of individuals (HHP 1991f; Thomas Lammers, Field Museum, pers. comm., 1992). This taxon often grows epiphytically and is typically found in Montane Wet Forests at elevations between 2,200 and 2,900 ft (660 and 880 m) (Lammers 1990). Associated species include tree ferns (HHP 1991f). The major known threat to *Cyanea copelandii* ssp. *copelandii* is stochastic extinction and/or reduced reproductive vigor due to the single known population.

Using sterile type material, Rock (1957) named *Cyanea carlsonii* to honor Norman K. Carlson, who first saw the taxon (Degener *et al.* 1969). Carlson cultivated a plant of the taxon in his garden, from which Rock later described the flowers and fruit (Rock 1962). Recently, St. John (1987b, St. John and Takeuchi 1987) placed the genus *Cyanea* in synonymy with *Delissea*, resulting in the new combination *Delissea carlsonii*, but Lammers (1990) retains both genera in the currently accepted treatment of the family. He also considers the taxon to be a subspecies of another species, resulting in the name *C. hamatiflora* ssp. *carlsonii* (Lammers 1988).

*Cyanea hamatiflora* ssp. *carlsonii* of the bellflower family, a palm-like tree, grows 9.8 to 26 ft (3 to 8 m) tall and has alternate stalkless leaves 20 to 31 in (50 to 80 cm) long and 3 to 5.5 in (8 to 14 cm) wide. Clusters of 5 to 10 flowers have a main stalk 0.6 to 1.2 in (1.5 to 3 cm) long; each flower has a stalk 0.2 to 0.5 in (0.5 to 1.2 cm) long. The hypanthium is topped with five small narrow calyx lobes. The magenta petals are fused into a one-lipped tube 2.3 to 3.1 in (6 to 8 cm) long and 0.2 to 0.4 in (0.6 to 1.1 cm) wide with five down-curved lobes. The purplish-red berries are topped by the persistent calyx lobes. This subspecies is distinguished from ssp. *hamatiflora*, the only other subspecies, by its long flower stalks and larger calyx lobes. The species differs from others in the genus by its growth habit, its stalkless leaves, the number of flowers in each cluster, and the size and

shape of the corolla and calyx (Lammers 1990).

*Cyanea hamatiflora* ssp. *carlsonii* is only known to have occurred at two sites on the island of Hawaii, on the western slope of Hualalai and the southwestern slope of Mauna Loa. These two extant populations, located on privately and State-owned land at Honuaulu Forest Reserve and Keokea, are about 28 mi (45 km) apart and contain approximately 19 individuals (HHP 1991g1, 1991g2, HPCC 1991c1 to 1991c3). This taxon typically grows in 'ohi'a-dominated Montane Wet Forests at elevations between 4,000 and 5,700 ft (1,220 and 1,740 m) (HHP 1991g1, 1991g2, Lammers 1990). Associated species include kawa'u, pilo, and *Myoporum sandwicense* (naio) (HHP 1991g1). The major threats to *Cyanea hamatiflora* ssp. *carlsonii* are competition from alien plant species such as banana poka, grazing and trampling by cattle, and stochastic extinction and/or reduced reproductive vigor due to the small number of existing populations and individuals (HHP 1991g2; Carolyn Corn, Hawaii Department of Land and Natural Resources (Hawaii DLNR), *in litt.*, 1991).

Based on sterile specimens collected on the island of Hawaii during the United States Exploring Expedition of 1840 and 1841, Gray (1861b) noted *Cyanea grimesiana* var. ? *citruillifolia*. Rock collected the plant in 1955 in the company of Herbert Shipman, after whom he named it as a species, resulting in *Cyanea shipmanii* (Rock 1957). St. John (1987b, St. John and Takeuchi 1987) placed the genus *Cyanea* in synonymy with *Delissea*, resulting in *Delissea shipmanii*, but Lammers (1990) retains the species in the genus *Cyanea*.

*Cyanea shipmanii* of the bellflower family is an unbranched or few-branched shrub 8 to 13 ft (2.5 to 4 m) tall with small sharp projections, especially in young plants. The alternate, stalked leaves are 6.7 to 12 in (17 to 30 cm) long, 2.8 to 5.5 in (7 to 14 cm) wide, and deeply cut into 20 to 30 lobes per leaf. Flowers are covered with fine hairs and are clustered in groups of 10 to 15, the main stalk 0.4 to 1.2 in (1 to 3 cm) long and each flower stalk 0.4 to 0.6 in (1 to 1.5 cm) long. The hypanthium is topped with five small calyx lobes. The pale greenish-white petals, 1.2 to 1.4 in (3 to 3.6 cm) long, are fused into a curved five-lobed tube 0.1 to 0.2 in (3 to 4 mm) wide. The fruit is an ellipsoid berry. This species differs from others in the genus by its slender stems; stalked, pinnately lobed leaves; and smaller flowers (Lammers 1990).

*Cyanea shipmanii* has been known from only one population, located on the island of Hawaii on the eastern slope of Mauna Kea on privately owned land. When originally discovered, only 1 mature plant was found, with a total population size of fewer than 50 individuals (HHP 1991h). This species typically grows in koa- and 'ohi'a-dominated Montane Mesic Forests at elevations between 5,400 and 6,200 ft (1,650 and 1,900 m) (HHP 1991h, Lammers 1990). Associated species include kawa'u and kolea (HHP 1991h). The major threat to *Cyanea shipmanii* is stochastic extinction and/or reduced reproductive vigor due to the single existing population and the small number of known individuals.

Based on a specimen he collected in 1912 on Mauna Loa, island of Hawaii, Rock (1913) described *Cyanea stictophylla*, choosing the specific epithet to refer to the long and narrow leaves. Other names by which the taxon has been known include: *Cyanea palakea* (Forbes 1916), *C. quercifolia* var. *atropurpurea* (Wimmer 1953), *C. stictophylla* var. *inermis* (Rock 1957), and *C. nelsonii* (St. John 1976). St. John (St. John and Takeuchi 1987), believing there to be no generic distinction between *Cyanea* and *Delissea*, transferred the species to the genus *Delissea*, the older of the two generic names, creating *D. nelsonii*, *D. palakea*, *D. quercifolia* var. *atropurpurea*, *D. stictophylla*, and *D. stictophylla* var. *inermis* (St. John 1987b). The separation of the two genera is maintained in the current treatment of the family (Lammers 1990), and all the above listed taxa are considered to fall within the range of variation of *C. stictophylla*.

*Cyanea stictophylla* of the bellflower family is a shrub or tree 2 to 20 ft (0.6 to 6 m) tall, sometimes covered with small, sharp projections. The alternate, stalked, oblong, shallowly lobed, toothed leaves are 7.8 to 15 in (20 to 38 cm) long and 1.6 to 3.1 in (4 to 8 cm) wide. Clusters of five or six flowers have main flowering stalks 0.4 to 1.6 in (1 to 4 cm) long; each flower has a stalk 0.3 to 0.9 in (0.7 to 2.2 cm) long. The hypanthium is topped with five calyx lobes 0.1 to 0.2 in (2 to 4 mm) long and 0.04 to 0.1 in (1 to 2 mm) wide. The yellowish-white or purple petals, 1.4 to 2 in (3.5 to 5 cm) long, are fused into an arched, five-lobed tube about 0.2 in (5 to 6 mm) wide. The spherical berries are orange. This species differs from others in the genus by its lobed, toothed leaves and its larger flowers with small calyx lobes and deeply lobed corollas (Lammers 1990).

Historically, *Cyanea stictophylla* was known only from the island of Hawaii

on the western, southern, southeastern, and eastern slopes of Mauna Loa. Today, the species is known to be extant near Keauhou and in South Kona on privately owned land. The 3 known populations, which extend over a distance of about 38 by 10 mi (61 by 16 km), contain a total of approximately 15 individuals (HHP 1991i1 to 1991i3). This species, sometimes growing epiphytically, is found in koa and 'ohi'a-dominated Lowland Mesic and Wet Forests at elevations between 3,500 and 6,400 ft (1,070 and 1,950 m) (HHP 1991i1 to 1991i3, Lammers 1990). Associated species include tree ferns, *Melicope volcanica* (alani), and *Urera glabra* (opuhe) (HHP 1991i1 to 1991i3). The major threat to *Cyanea stictophylla* is grazing and trampling by feral cattle as well as stochastic extinction and/or reduced reproductive vigor due to the small number of existing populations and individuals (F. Duvall, pers. comm., 1992).

*Cyrtandra giffardii* was first collected in 1911 on the island of Hawaii by Rock, who named the species to honor Walter M. Giffard, who collected a flowering specimen in 1918 (Rock 1919a).

*Cyrtandra giffardii* of the African violet family (Gesneriaceae) is a shrubby tree usually 10 to 20 ft (3 to 6 m) tall. The opposite, stalked, papery-textured, toothed leaves are usually 2.4 to 4.7 in (6 to 12 cm) long and 1 to 1.8 in (2.5 to 4.6 cm) wide and have a few tiny, coarse hairs on the upper surface. Clusters of three to five flowers have a moderate amount of short brown hairs throughout the cluster, a main stalk 1 to 1.4 in (2.5 to 3.5 cm) long, two linear bracts about 0.25 in (6 to 7 mm) long, and individual flower stalks 0.6 to 1.2 in (1.5 to 3 cm) long. The calyx, 0.1 to 0.4 in (3 to 9 mm) long, has an outer covering of short, soft brown hairs and is divided into five narrowly triangular lobes. The corolla consists of five fused white petals about 0.5 in (12 mm) long, with lobes about 0.08 to 0.1 in (2 to 3 mm) long. Only immature berries have been observed, and they were white and about 0.4 in (1 cm) long. Both this species and *Cyrtandra tintinnabula* are distinguished from others of the genus and others on the island of Hawaii by a combination of the following characteristics: The opposite, more or less elliptic, papery leaves; the presence of some hairs on the leaves and more on the inflorescences; the presence of three to six flowers per inflorescence; and the size and shape of the flowers and flower parts (Wagner *et al.* 1990).

Historically, *Cyrtandra giffardii* was found on the island of Hawaii on the northeastern slope of Mauna Kea near Kilau Stream and south to the eastern

slope of Mauna Loa near Kilauea Crater. The 3 extant populations on State-owned land are located near Kilau Stream, Stainback Highway, and Puu Makaala, extending over a distance of approximately 31 by 3 mi (50 by 5 km) and containing a total of about 14 to 20 plants (HHP 1991j1 to 1991j5; W. Wagner, pers. comm., 1992). This species typically grows in shady koa-, 'ohi'a-, and tree fern-dominated Montane Wet Forests at elevations between 2,400 and 4,900 ft (720 and 1,500 m) (HHP 1991j1 to 1991j3, HPCC 1991d1, 1991d2, Wagner *et al.* 1990). Associated species include other taxa of *Cyrtandra* (ha'iwale), *Hedyotis* spp., and *Ferrottetia sandwicensis* (olomea) (HHP 1991j1 to 1991j3, HPCC 1991d1; W. Wagner, pers. comm., 1992). The major threats to *Cyrtandra giffardii* are habitat disturbance and plant damage by feral pigs as well as stochastic extinction and/or reduced reproductive vigor due to the small number of existing populations (Stone 1985; W. Wagner, pers. comm., 1992).

Based on a plant he collected in 1909 on Mauna Kea, island of Hawaii, Rock named *Cyrtandra tintinnabula*. The specific epithet describes the bell-shaped calyx of the plant (Rock 1919a).

*Cyrtandra tintinnabula* of the African violet family is a shrub 3.3 to 6.6 ft (1 to 2 m) tall with opposite, stalked, elliptical or oval, papery-textured leaves 5 to 10 in (13 to 26 cm) long and 2 to 4.8 in (5 to 12.3 cm) wide. Leaves, especially the lower surfaces, have yellowish-brown hairs. Flower clusters, densely covered with long soft hairs, comprise three to six flowers, a main stalk 0.4 to 0.7 in (1 to 1.8 cm) long, individual flower stalks 0.2 to 0.6 in (0.5 to 1.5 cm) long, and leaflike bracts. The green bell-shaped calyx is about 0.4 in (9 to 10 mm) long and has triangular lobes. The hairy white corolla, about 0.5 in (12 mm) long and about 0.2 in (5 mm) in diameter, is divided into five lobes, each about 0.1 in (3 mm) long. Fruit and seeds have not been observed. This species differs from *Cyrtandra giffardii* by its habit, its larger leaves, and its shorter flower stalks (Wagner *et al.* 1990).

Historically, *Cyrtandra tintinnabula* was found only on the island of Hawaii on the northern to the eastern slopes of Mauna Kea. Today, 3 populations of the species are known to occur on State-owned land extending over approximately 6 by 1 mi (10 by 3 km) from Kilau Stream to Honohina Gulch and containing approximately 18 known individuals (HHP 1991k1 to 1991k6). This species typically grows in dense koa-, 'ohi'a-, and tree fern-dominated Lowland Wet Forests at elevations

between 2,100 and 3,400 ft (650 and 1,040 m) (HHP 1991k3, 1991k4, 1991k6, Wagner *et al.* 1990). Associated species include other kinds of ha'iwale and *Hedyotis* sp. The major threats to *Cyrtandra tintinnabula* are habitat disturbance and plant damage by feral pigs and stochastic extinction and/or reduced reproductive vigor due to the small number of existing populations and individuals.

Based on a specimen collected on Mauna Loa by James Macrae in 1825, Weddell (1856 to 1857) described *Urtica sandwicensis*, choosing the specific epithet to refer to the Sandwich Islands, an older name for the Hawaiian Islands. Later (1869), he transferred the species to another genus, resulting in *Hesperocnide sandwicensis*.

*Hesperocnide sandwicensis* of the nettle family (Urticaceae) is an erect annual herb 8 to 24 in (20 to 60 cm) tall covered with coarse stinging hairs as well as shorter non-stinging hairs. The opposite, stalked, thin, toothed leaves are 0.6 to 3 in (1.5 to 7 cm) long and 0.4 to 1 in (0.9 to 2.5 cm) wide. Most of the small petalless flowers are male, but they are mixed with some female flowers in clusters 0.08 to 0.2 in (2 to 5 mm) long which originate in the leaf axils. Sepals of male flowers are fused into a four-lobed calyx about 0.02 in (0.5 mm) long which encloses four stamens. The calyx of the female flower, about 0.04 in (1 mm) long and enclosing an unstalked stigma, swells slightly in fruit and encloses a flattened achene (dry, one-celled, unopened fruit) about 0.04 in (1.1 mm) long. The only Hawaiian member of the genus, *Hesperocnide sandwicensis* is distinguished from other native Hawaiian genera of its family by its annual herbaceous habit and its stinging hairs. It is distinguished from the alien, naturalized species *Urtica urens* (dwarf nettle) by the lack of calyx lobes (Wagner *et al.* 1990).

Historically, *Hesperocnide sandwicensis* occurred on the island of Hawaii on the eastern and western slopes of Mauna Kea, the northern to western slopes of Mauna Loa, the Humuula Saddle between Mauna Kea and Mauna Loa, and the southeastern slope of Hualalai. Twelve extant localities are known, extending over a distance of approximately 38 by 15 mi (61 by 24 km) in much of the historic range of the species. It has not been seen on Hualalai for some time and is presumed extirpated there. Known populations now occur on or near the following areas: Puu Kanakaleonui, Puu Laau, Ahumoa Cone, Pohakuloa Training Area (PTA), and Sulphur Cone. Because the species is an annual plant, the total number of individuals varies

with the time of year and amount of rainfall. At the time the proposed rule was written, several hundred to a thousand individuals were known from PTA, a State- and federally owned area of land which is managed by the U.S. Army. Other, smaller populations totalling approximately 80 to 130 plants were located on privately and State-owned land (HHP 1991i1 to 1991i7, HPCC 1991e; Robert Shaw, Colorado State University, pers. comm., 1992). Extensive surveys in 1992 and 1993 indicate the presence of tens of thousands of *Hesperocnide sandwicensis* in many populations on and near PTA (R. Shaw, *in litt.*, 1993). This species is clearly much more abundant than previously thought. This species typically grows in open *Sophora chrysophylla* (mamane)- and naio-dominated Subalpine Dry Forests at elevations between 5,840 and 8,600 ft (1,780 and 2,620 m) (Gagne and Cuddihy 1990, HHP 1991i1 to 1991i3, 1991i6, HPCC 1991e, Wagner *et al.* 1990). Associated species include *Asplenium fragile*, *Santalum paniculatum* ('iliabi), and the naturalized *Urtica urens* (HHP 1991i1, 1991i6; R. Shaw, pers. comm., 1992). Individual *Hesperocnide sandwicensis* plants and populations of plants are threatened by competition from alien grasses such as *Anthoxanthum odoratum* (sweet vernalgrass) and *Holcus lanatus* (common velvet grass); grazing by feral pigs, goats, and sheep (*Ovis aries*); habitat disturbance and damage to plants as a result of military exercises; and fire (HHP 1991i6, HPCC 1991e; Ken Nagata, U.S. Department of Agriculture, pers. comm., 1992). However, *Hesperocnide sandwicensis* is maintaining large, reproductive populations throughout PTA in areas that are relatively secure from these threats. The thousands of plants found in and along lava flows are particularly unlikely to be threatened by feral herbivores, military activities, or competition from alien grasses (Loyal A. Mehrhoff, U.S. Fish and Wildlife Service, pers. observation, 1993). It is also unlikely that either natural or man-caused fires could destroy a significant percentage of the total populations. *Hesperocnide sandwicensis* fails to meet the definition of either an endangered or threatened species. Therefore, the Service has withdrawn *Hesperocnide sandwicensis* from consideration for endangered or threatened status (see notice of withdrawal of proposed rule published concurrently with this final rule).

*Ischaemum byrone* was first collected by James Macrae during the expedition

of the *Blonde* in 1825 and named *Spodiopogon byronis* by Trinius in 1832. The specific epithet refers to Byron's Bay, now called Hilo Bay, where this specimen was collected. Steudel (1855) transferred the species to the genus *Andropogon*, and in 1889, Hackel redescribed the species, naming it *Ischaemum lutescens*, a superfluous name. In 1922, Hitchcock published *Ischaemum byrone*, the currently accepted name (O'Connor 1990).

*Ischaemum byrone* of the grass family (Poaceae) is a perennial plant with creeping stems and erect stems 16 to 31 in (40 to 80 cm) tall. The uppermost sheaths (portions of leaves surrounding the stems) are often inflated and sometimes partially enclose the yellow to yellowish-brown racemes (flowering clusters). The hairless leaf blade (the flat extended part of the leaf) is 2.8 to 7.9 in (7 to 20 cm) long and 1.2 to 2 in (3 to 5 cm) wide; the uppermost blades are much smaller in size. Flowers, arranged in two or sometimes three digitate (originating from one point), elongate racemes 1.6 to 3.9 in (4 to 10 cm) long, consist of two types of two-flowered awned (having bristles) spikelets (subclusters of flowers). The fruit is a caryopsis (grain) about 0.1 in (3 mm) long. The only species of the genus found in Hawaii, *Ischaemum byrone* differs from other grasses in the State by its  $C_4$  photosynthetic pathway; its digitate racemes; and its two-flowered, awned spikelets (O'Connor 1990).

Historically, *Ischaemum byrone* was found on Oahu at an unspecified location, on the northeastern coasts of Molokai and east Maui, and along the central portion of the eastern coast of the island of Hawaii. Extant populations still occur on Molokai, Maui, and Hawaii. Two populations on east Molokai are located about 2 mi (3 km) apart at the head of Wailau Valley and on Kikipua Point on privately owned land. Six populations on east Maui are found along approximately 16 mi (26 km) of coast on privately, State-, and federally owned land on Pauwalu Point, on Kalahu Point, near Hana, on Kauiki Head, and on the following offshore islets: Keopuka Islet, Mokuhuki Islet, and Puukii Islet. On Hawaii, the species is still found in two populations at Auwae and Kamoamo on privately and federally owned land. The total distribution of the species includes 10 populations on 3 islands with approximately 1,200 to 2,200 individuals (HHP 1991m1 to 1991m10, 1991m12 to 1991m14), though the total number may be in the range of 5,000 individuals (R. Hobdy, *in litt.*, 1993). Because this species occupies lowland habitat, it is at high risk from

development, alien weeds, and in the past, from alien ungulates. This species typically grows in Coastal Dry Shrublands among rocks or on basalt cliffs at elevations between sea level and 250 ft (0 and 75 m) (Gagne and Cuddihy 1990, O'Connor 1990). Associated species include *Bidens* spp. (ko'oko'olau), *Fimbristylis cymosa*, and *Scaevola sericea* (naupaka kahakai) (HHP 1991m5, 1991m7, 1991m9, 1991m11, HPCC 1991f). The major threats to *Ischaemum byrone* are competition from alien species such as *Digitaria ciliaris* (Henry's crabgrass) and habitat change from volcanic activity (HHP 1991m3, HPCC 1991f; Charles H. Lamoureux, Lyon Arboretum, pers. comm., 1992).

*Isodendron pyriformium* was first collected on Oahu during the United States Exploring Expedition in 1841 and was named by Gray in 1852. The specific epithet refers to the resemblance of the leaves of this species to those of *Pyrus* (pear). In his monograph of the genus, St. John (1952) named the following species, all of which are considered in the current treatment of the genus (Wagner *et al.* 1990) to be synonymous with *I. pyriformium*: *I. hawaiiense*, *I. hillebrandii*, *I. lanaiense*, *I. molokaiense*, and *I. remyi*.

*Isodendron pyriformium* of the violet family (Violaceae), a shrub about 2.6 to 6.6 ft (0.8 to 2 m) tall, has persistent stipules (leaflike appendages on leaves) and alternate, stalked, elliptic or sometimes lance-shaped, papery leaves which measure 1 to 2.6 in (2.5 to 6.5 cm) long and 0.3 to 1.3 in (0.8 to 3.2 cm) wide. The solitary, bilaterally symmetrical, fragrant flowers have five lance-shaped sepals 0.1 to 0.2 in (3.5 to 5 mm) long with membranous edges fringed with white hairs and three types of clawed (with a narrow petiole-like base) greenish-yellow petals 0.4 to 0.6 in (10 to 15 mm) long with lobes about 0.2 in (4 to 5 mm) long. The three-lobed, 0.5 in (12 mm) long capsule opens to release olive-green seeds about 0.1 in (3 mm) long and about 0.08 in (2 mm) in diameter. This species differs from others in this endemic Hawaiian genus by its slightly smaller, greenish-yellow flowers and by the presence of hairs on the stipule midribs and leaf veins (Wagner *et al.* 1990).

Historically, *Isodendron pyriformium* was found at unspecified localities on Niihau, Molokai, and Lanai, as well as on Oahu in the central portion of the Waianae Mountains, on Maui in the northeastern to southwestern regions of the West Maui mountains, and on the island of Hawaii at the western base of Hualalai (HHP 1991n1 to 1991n5,

Wagner *et al.* 1990). The species had not been collected since 1870 and was presumed extinct. However, in 1991, four plants were found on Hawaii at Kealakehe near Kona on State-owned land being developed for residential housing and a golf course (C. Corn, *in litt.* 1991; Francis Blanco, Hawaii Housing and Finance Development Corporation, and K. Nagata, pers. comms., 1992). In late 1992 and early 1993, 50 to 60 additional plants were found at this site (Evangeline Funk, Botanical Consultants, pers. comm., 1993). This species typically grows on dry sites in Lowland Dry to Mesic Forests at low elevations (Gagne and Cuddihy 1990, Wagner *et al.* 1990). Associated species include 'iliahi, mamane, and *Waltheria indica* ('uhaloa) (Paul Weissich, Weissich and Associates, pers. comm., 1992). The major threats to *Isodendron pyriformium* are habitat conversion associated with residential and recreation development, competition from alien species such as fountain grass, fire, and stochastic extinction and/or reduced reproductive vigor due to the single known population and the small number of existing individuals (C. Corn, K. Nagata, and P. Weissich, pers. comms., 1992).

In 1920, Kuekenenthal described *Cyperus fauriei* based on a specimen collected by Faurie on Molokai in 1910 (Wagner *et al.* 1989). Koyama (1990), in the current treatment of the genus, transferred the species to *Mariscus*, resulting in *M. fauriei*.

*Mariscus fauriei* of the sedge family (Cyperaceae), a perennial plant with somewhat enlarged underground stems and three-angled, single or grouped aerial stems 4 to 20 in (10 to 50 cm) tall, has leaves shorter than or the same length as the stems and 0.04 to 0.1 in (1 to 3.5 mm) wide. Three to 5 bracts, the lowest one 2.4 to 7.9 in (6 to 20 cm) long, are located under each flower cluster, which measures 0.8 to 1.6 in (2 to 4 cm) long and 1.2 to 3.9 in (3 to 10 cm) wide and is made up of 3 to 10 spikes (unbranched clusters of unstalked flowers). Each spike measures 0.3 to 1.2 in (0.8 to 3 cm) long and 0.3 to 0.4 in (8 to 10 mm) wide and is made up of compressed spreading spikelets, each comprising seven to nine flowers. Fruits are three-angled achenes about 0.05 in (1.2 mm) long and about 0.03 in (0.7 mm) wide. This species differs from others in the genus in Hawaii by its smaller size and its narrower, flattened, and more spreading spikelets (Koyama 1990).

Historically, *Mariscus fauriei* was found on east Molokai, in the northwestern and southwestern portions of Lanai, and on the island of Hawaii on

the northern slope of Hualalai and the northwestern and southernmost slopes of Mauna Loa. A total of 3 extant populations and about 33 to 43 known individuals of the species are found on Molokai and Hawaii; the species is almost certainly extinct on Lanai now. One population of about 20 to 30 plants occurs on Molokai above Kamiloloa on State-owned land. Two populations located about 45 mi (72 km) apart are known on Hawaii on the Hualalai side of Mauna Loa and in the South Point area. The land is privately owned, and there are a total of about 13 known individuals on that island (HHP 1991o1 to 1991o8, HPCC 1991g; R. Hobdy, pers. comm., 1992). This species typically grows in luma-dominated Lowland Dry Forests, often on aa substrate, at elevations between 880 and 6,000 ft (300 and 1,830 m) (HHP 1991o8, HPCC 1991g, Koyama 1990). Associated species include *alaha'e*, *Peperomia* sp. ('ala'ala wai nui), and *Rauwolfia sandwicensis* (hao) (HHP 1991o8, HPCC 1991g). The major threat to *Mariscus fauriei* on Molokai is grazing and trampling by feral goats and axis deer (*Axis axis*), and on Hawaii, competition from alien species such as Christmas berry and *Oplismenus hirtellus* (basketgrass). On both islands, the species is faced with stochastic extinction and/or reduced reproductive vigor due to the small number of existing populations and individuals (HHP 1991o8, HPCC 1991g; R. Hobdy, pers. comm., 1992).

First collected on the island of Hawaii by Charles Pickering during the United States Exploring Expedition of 1840 and 1841, *Nothocestrum breviflorum* was named by Gray in 1862. He chose the specific epithet to refer to the short corolla of the flower of this species. In 1883, Hillebrand named var. *longipes*, but in the current treatment of the genus (Symon 1990), no varieties of the species are recognized.

*Nothocestrum breviflorum* of the nightshade family (Solanaceae), a stout tree 33 to 39 ft (10 to 12 m) tall with a trunk up to 18 in (45 cm) in diameter, has deciduous, alternate, stalked, oblong or elliptic-oblong, thick and papery-textured, toothless leaves which are 2 to 4.7 in (5 to 12 cm) long and 1.2 to 2.4 in (3 to 6 cm) wide. Numerous bisexual, radially symmetrical flowers are clustered at the ends of short spurs (branches with much shortened internodes) on individual stalks 0.2 to 0.4 in (4 to 10 mm) long. Each flower consists of a 0.2 to 0.4 in (6 to 11 mm) long, four-lobed tubular calyx split on one side and a greenish-yellow four-lobed corolla which barely projects beyond the calyx. The fruit, a somewhat

spherical or oblong, orange-red berry about 0.2 to 0.3 in (6 to 8 mm) in diameter, is enclosed by the calyx. Seeds have not been observed. This species can be distinguished from others of this endemic Hawaiian genus by the leaf shape; the clusters of more than three flowers arranged on the ends of short branches; and the broad fruit enclosed by the calyx (Symon 1990).

Historically, *Nothocestrum breviflorum* was found only on the island of Hawaii from the southern portion of the Kohala Mountains; the northern slope of Hualalai; and the eastern, southern, and western slopes of Mauna Loa. Today, extant populations have been found in much of the species' historic range, from near Waimea, near Kiholo, in Puu Waawaa, in Hawaii Volcanoes National Park (HVNP) in Kipuka Ki and near Holei Pali, and in the South Point area. These 9 populations, which extend over a distance of about 63 by 41 mi (101 by 66 km), are found on privately, State-, and federally owned land and contain an estimated 53 known individuals (HHP 1991p1 to 1991p12; J. Lau and W. Wagner, pers. comms., 1992). This species typically grows in koa- and 'ohi'a- or luma-dominated Lowland Dry Forests and Montane Dry or Mesic Forests, often on aa substrate, at elevations between 590 and 6,000 ft (180 and 1,830 m) (Gagne and Cuddihy 1990, HHP 1991p1, 1991p2, 1991p5, 1991p7, 1991p12, HPCC 1991h, Symon 1990). Associated species include 'ilihi, *Caesalpinia kavaensis* (uhiuhi), and *Erythrina sandwicensis* (wiliwili) (HHP 1991p1, 1991p3, 1991p4, 1991p12, HPCC 1991h; W. Wagner, pers. comm., 1992). The major threats to *Nothocestrum breviflorum* are habitat conversion associated with residential and recreational development, competition from alien species such as Christmas berry, fountain grass, lantana, and *Leucaena leucocephala* (koa haole); browsing by cattle; fire; and stochastic extinction and/or reduced reproductive vigor due to the small number of existing individuals (HHP 1991p4, 1991p6, 1991p12, Lamb 1981; W. Wagner, pers. comm., 1992).

*Ochrosia kilaueaensis* was first collected by Forbes in 1915 and was named by St. John in 1978. The specific epithet refers to Kilauea, the type locality of the plant on the island of Hawaii. Based on a specimen collected in 1909 by Rock, St. John (1978) named *O. konaensis*. In the current treatment of the genus (Wagner et al. 1990), *O. konaensis* is considered synonymous with *O. kilaueaensis*.

*Ochrosia kilaueaensis* of the dogbane family (Apocynaceae) is a hairless tree

49 to 59 ft (15 to 18 m) tall with milky sap. The lance- or ellipse-shaped toothless leaves are arranged three or four per node, are 2.4 to 7.5 in (6 to 19 cm) long and 0.9 to 2.6 in (2.2 to 6.5 cm) wide, and have veins arising at nearly right angles to the midrib. Open clusters of numerous flowers have main stalks 1.8 to 2.5 in (4.5 to 6.3 cm) long, secondary branches 0.4 to 1 in (1.1 to 2.5 cm) long, and individual flower stalks 0.2 to 0.3 in (5 to 7 mm) long. Each flower has a five-lobed calyx about 0.4 in (10 to 11 mm) long and a trumpet-shaped greenish-white corolla with a tube 0.3 to 0.4 in (7 to 11 mm) long and lobes 0.5 to 0.6 in (12 to 15 mm) long. The fruit is a drupe (a fruit with a firm outer layer, a fleshy inner layer, and a stony inner layer surrounding a single seed) thought to be yellowish brown at maturity, 1.8 to 1.9 in (4.5 to 4.9 cm) long, and 0.9 to 1.1 in (2.4 to 2.9 cm) wide. This species is distinguished from other Hawaiian species of the genus by the greater height of mature trees, the open flower clusters, the longer flower stalks, and the larger calyx and lobes of the corolla (Wagner et al. 1990).

Historically, *Ochrosia kilaueaensis* has been collected on the northern slope of Hualalai and on the eastern slope of Mauna Loa. There is one known extant population located at Puu Waawaa on State-owned land and consisting of an unknown number of individuals (HHP 1991q1, 1991q2). This species typically grows in koa- and 'ohi'a- or luma-dominated Montane Mesic Forests at elevations between 2,200 and 4,000 ft (670 and 1,220 m) (Gagne and Cuddihy 1990, HHP 1991q1, 1991q2, Wagner et al. 1990). Associated species include 'aiea, kauila, *Gardenia brighamii* (nanu), and *Psychotria hawaiiensis* (kopiko) (HHP 1991q1). The major threats to *Ochrosia kilaueaensis* are competition from alien species such as fountain grass, browsing by feral goats, fire, and stochastic extinction and/or reduced reproductive vigor due to the single existing known population (Brueggemann 1990, CPC 1990).

Gray (1862) named *Plantago pochyphylla* var. *hawaiiensis* and *P. pachyphylla* var. *hawaiiensis* subvar. *gracilis* based on specimens collected on the island of Hawaii during the United States Exploring Expedition of 1840 and 1841 and by Remy in the 1850s, respectively. Leveille (1911) published *P. gaudichaudiana* based on another specimen from the island of Hawaii. In 1923, Pilger raised the taxon to specific rank, resulting in *P. hawaiiensis*, and also published a new variety, var. *laxa* (Pilger 1937). The specific epithet refers to the island where the plant grows. In the current treatment of the genus, only



*P. hawaiiensis* is accepted (Wagner *et al.* 1990).

*Plantago hawaiiensis* of the plantain family (Plantaginaceae), a perennial herb which grows from a stout short stem, has thick, leathery, narrowly oval or oblong leaves located at the base of the plant which measure 3 to 8.7 in (7.5 to 22 cm) long and usually 0.6 to 1.3 in (1.5 to 3.2 cm) wide. The flowering stalk is 7.9 to 35 in (20 to 90 cm) long and is topped by a spike usually 5.9 to 9 in (15 to 23 cm) long. Each upward pointing flower, subtended by a single bract 0.08 to 0.1 in (2.1 to 2.6 mm) long, has a four-lobed calyx 0.06 to 0.09 in (1.6 to 2.2 mm) long and a trumpet-shaped corolla about 0.04 in (1 mm) long. The capsule, 0.1 to 0.2 in (2.6 to 4 mm) long and projecting from the calyx, opens to release four to six dull black seeds about 0.04 in (1 mm) long and winged on one end. This species is distinguished from other endemic and naturalized species of the genus in Hawaii by its perennial herbaceous habit; its thick leathery leaves; its upward pointing flowers; and its capsules which project from the calyx (Wagner *et al.* 1990).

Historically, *Plantago hawaiiensis* was found only on the island of Hawaii on the southern slope of Mauna Kea; the northeastern, southeastern, and southern slopes of Mauna Loa; and the western slope of Hualalai. Today, the species is known to occur on the Humuula Saddle, in the Upper Waiakea Forest Reserve, and near the Keapohina Upland on privately and State-owned land. The four extant populations extend over a distance of approximately 14 by 4 mi (23 by 6 km). There are no more than 10 known individuals (HHP 1991r1 to 1991r6). This species typically grows in boggy conditions in Montane Wet Herblands or in Montane Dry Shrublands dominated by koa or 'ohi'a trees of short stature, or sometimes in lava cracks, at elevations between 5,900 and 6,400 ft (1,800 and 1,950 m) (HHP 1991r1, 1991r2, 1991r4, 1991r6, Wagner *et al.* 1990). The major threat to *Plantago hawaiiensis* is stochastic extinction and/or reduced reproductive vigor due to the small number of existing populations.

*Portulaca sclerocarpa* was first collected during the United States Exploring Expedition of 1840 and 1841 and was named by Gray (1854). The specific epithet refers to the hardened capsule.

*Portulaca sclerocarpa* of the purslane family (Portulacaceae), a perennial herb with a fleshy tuberous taproot which becomes woody, has stems up to about 7.9 in (20 cm) long. The stalkless, succulent, grayish-green leaves are

almost circular in cross-section, 0.3 to 0.8 in (8 to 21 mm) long, and about 0.06 to 0.1 in (1.5 to 2.5 mm) wide. Dense tufts of hairs are located in each leaf axil and underneath the tight clusters of three to six stalkless flowers grouped at the ends of the stems. Sepals are about 0.2 in (5 mm) long and have membranous edges. Petals are white, pink, or pink with a white base, about 0.4 in (10 mm) long, and surround about 30 stamens and an 8-branched style. The hardened capsules are about 0.2 in (4 to 4.5 mm) long, have walls 0.01 to 0.02 in (0.18 to 0.5 mm) thick, open very late or not at all, and contain glossy, dark reddish-brown seeds about 0.02 in (0.4 to 0.6 mm) long. This species differs from other native and naturalized species of the genus in Hawaii by its woody taproot, its narrow leaves, and the colors of its petals and seeds. Its closest relative, *Portulaca villosa*, differs mainly in its thinner-walled, opening capsule (Wagner *et al.* 1990).

Historically, *Portulaca sclerocarpa* was found on an islet off the south coast of the island of Lanai and on the island of Hawaii in the Kohala Mountains, on the northern slope of Hualalai, the northwestern slope of Mauna Loa, and near Kilauea Crater. There is one extant population on Poopoo Islet off the coast of Lanai which contains about 10 plants (R. Hobdy, pers. comm., 1992). On Hawaii, 11 extant populations extend over a distance of about 54 by 32 mi (87 by 51 km) and are located on 3 cinder cones in the Nohonaohae area; at PTA near the Multi-Purpose Range Complex (MPRC); at Puu Anahulu; and near Puu Keanui and Puu Lehua on privately, State-, and federally owned land. The 11 populations on the island of Hawaii contain a total of approximately 72 to 122 individuals (Cuddihy *et al.* 1983, HHP 1991s1 to 1991s12; R. Shaw, pers. comm., 1992; R. Shaw, *in litt.*, 1993). This species typically grows in Montane Dry Shrublands, often on bare cinder and even near steam vents, at elevations between 3,380 and 5,340 ft (1,030 and 1,630 m) (Gagne and Cuddihy 1990, Wagner *et al.* 1990). Associated species include mamane and 'ohi'a (HHP 1991s1, 1991s8 to 1991s10, 1991s12, HPCC 1991i). The major threats to *Portulaca sclerocarpa* are competition from alien grasses such as fountain grass and *Andropogon virginicus* (broomsedge); trampling and habitat disturbance by feral goats, pigs, and sheep; habitat disturbance and damage to plants as a result of military exercises; and fire (HHP 1991s2, 1991s9, HPCC 1991i; R. Shaw, pers. comm., 1992).

Based on collections by Rock on the island of Hawaii, Beccari named

*Pritchardia affinis* and three varieties: Var. *halophila* (misspelled as "holaphila"), var. *rhopalocarpa*, and var. *gracilis* (Beccari and Rock 1921). In the current treatment of the genus (Read and Hodel 1990), no subspecific taxa are recognized.

*Pritchardia affinis* of the palm family (Arecaceae) is a fan-leaved tree 33 to 82 ft (10 to 25 m) tall with pale or pinkish soft wool covering the underside of the petiole and extending onto the leaf blade. The wedge-shaped leaf has a green and smooth upper surface and a pale green lower surface with scattered yellowish scales. The branched, hairless flower clusters are located among the leaves. Each flower comprises a cup-shaped, three-lobed calyx; three petals; six stamens; and a three-lobed stigma. The spherical fruit is about 0.9 in (2.3 cm) in diameter. This species is distinguished from other species of *Pritchardia* by the long, tangled, woolly hairs on the underside of the petiole and the base of the lower leaf blade; the stout hairless flower clusters which do not extend beyond the wedge-shaped leaves; and the smaller, spherical fruit (Read and Hodel 1990).

Historically, *Pritchardia affinis* was found only on the island of Hawaii in the Kohala Mountains and along the western and southeastern coasts. Today, scattered individuals of the species can be found throughout much of the historically known coastal range at Kiholo, at Kukio, near Palani Road, on Alii Drive in Kailua, in Captain Cook, at Hookena, at Milolii, and at Punaluu. Most plants grow within areas of human habitation or development, and the trees may have been cultivated by Hawaiians or others rather than having occurred in these areas naturally. There are an estimated 50 to 65 known individuals at 8 or more localities which extend along about 110 mi (180 km) along the coast on privately and State-owned land (HHP 1991t1 to 1991t6; Norman Bezona, Hawaii Cooperative Extension Service, Brien Meilleur, Amy Greenwell Ethnobotanical Garden, and P. Weissich, pers. comm., 1992). This species typically grows in Coastal Mesic Forests at coastal sites or in gulches further inland at elevations between sea level and 2,000 ft (0 and 610 m), possibly associated with brackish water (HHP 1991t2, Read and Hodel 1990; C. Corn, pers. comm., 1992). Native associated species of this loulu are unknown, since all trees are found in cultivated zones, which have long been cleared of their native cover (B. Meilleur, pers. comm., 1992). The major threats to *Pritchardia affinis* are predation on seeds by roof rats, development of land where individuals

grow, and stochastic extinction and/or reduced reproductive vigor due to the small number of existing individuals. In the past, the species' natural habitat was cleared for agriculture and housing, and feral pigs destroyed seedlings of the species, preventing regeneration (Beccari and Rock 1921, Hull 1980; C. Corn, pers. comm., 1992).

Gray (1854) mentioned an unnamed variety of *Silene struthioloides*, in reference to a specimen collected on the island of Hawaii during the United States Exploring Expedition of 1840 and 1841. Sherff named this taxon *S. struthioloides* var. *gracilis* in 1946 and later elevated it to specific rank, resulting in *S. hawaiiensis* (1949). He chose the specific epithet to refer to the island where the plant is found.

*Silene hawaiiensis* of the pink family (Caryophyllaceae), a sprawling shrub with slanting or climbing stems 6 to 16 in (15 to 40 cm) long originating from an enlarged root, is covered with short, often sticky hairs. The stalkless narrow leaves are 0.2 to 0.6 in (6 to 15 mm) long and 0.02 to 0.03 in (0.5 to 0.8 mm) wide. Flowers are arranged in elongate clusters. Each flower has a stalk 0.1 to 0.2 in (3 to 6 mm) long; a five-toothed purple or purple-tinged calyx 0.4 to 0.6 in (11 to 14 mm) long; and five petals, greenish white above and maroon below, with a stalk-like base and a flat, two-lobed, expanded portion about 0.2 in (4.5 to 5.5 mm) long. The fruit is a capsule about 0.3 in (6.5 to 8 mm) long which releases pale brown seeds 0.02 to 0.03 in (0.4 to 0.7 mm) long. This species differs from others of *Silene* in Hawaii by its growth habit; its covering of short, often sticky hairs; the shape of its leaves; the arrangement of its flower clusters; and the color of its petals (Wagner *et al.* 1990).

Historically, *Silene hawaiiensis* was found only on the island of Hawaii from the western slope of Mauna Kea; the summit of Hualalai; Humuula Saddle; the northern, western, and northwestern slopes of Mauna Loa; and near Kilauea Crater. Today, over 50 populations are found in Hamakua District; on Humuula Saddle; at PTA, including inside MPRC; north of Puu Keanui; and in HVNP on privately, State-, and federally owned land. These populations extend over a distance of approximately 12 by 7 mi (19 by 11 km) and contain over 3,000 individuals (HHP 1991u1 to 1991u10, HPCC 1991j; R. Shaw, pers. comm., 1992, R. Shaw, *in litt.*, 1993). This species typically grows in Montane or Subalpine Dry Shrublands in decomposed lava and ash, but can be found on all ages of lava and cinder substrates, at elevations between 3,000 and 4,300 ft (900 and 1,300 m) and

sometimes up to 8,500 ft (2,575 m) (Wagner *et al.* 1990; R. Shaw, *in litt.*, 1993). Associated species include *Dodonaea viscosa* ('a'ali'i), *Styphelia tameiameia* (pukiawe), and *Vaccinium reticulatum* ('ohelo) (HHP 1991u6, HPCC 1991j; R. Shaw, pers. comm., 1992). Many populations of *Silene hawaiiensis* are threatened by competition with alien plant species, particularly fountain grass; grazing, browsing, and trampling by feral goats, pigs, and sheep; habitat disturbance and damage to plants as a result of military exercises; fire; and volcanic activity (HPCC 1991j). While the existing populations of *Silene hawaiiensis* are not in immediate danger of extinction, if these threats are not curtailed, the species will become endangered in the future.

Gray (1861a) named a plant collected on the island of Hawaii during the United States Exploring Expedition of 1840 and 1841 *Vittadenia arenaria*. Hillebrand (1888) transferred the species to the genus *Tetramolopium* and named a second variety, var. *dentatum*. In the current treatment of the genus (Lowrey 1986, 1990), two subspecies, ssp. *arenarium* and ssp. *laxum*, are recognized. Variety *confertum*, described by Sherff in 1934, is recognized (Lowrey 1986, 1990) as a variety of ssp. *arenarium*. Because of a recently recognized typification problem, ssp. *laxum* actually should be referred to as ssp. *arenarium*, leaving what was called ssp. *arenarium* without a published name (Laven *et al.* 1991).

*Tetramolopium arenarium* of the aster family (Asteraceae), an erect tufted shrub 2.6 to 4.3 ft (0.8 to 1.3 m) tall, is covered with tiny glands and straight hairs. The alternate, toothless or shallowly toothed leaves are more or less lance-shaped, 0.6 to 1.5 in (15 to 37 mm) long, and 0.1 to 0.4 in (3 to 9 mm) wide. Five to 11 heads (dense flower clusters) are grouped at the end of each stem. Each head comprises a bell-shaped structure of 20 to 34 bracts 0.1 to 0.2 in (2.5 to 5 mm) high and 0.2 to 0.4 in (4 to 9 mm) in diameter beneath the flowers; a single series of 22 to 45 white, male ray florets 0.05 to 0.09 in (1.3 to 2.2 mm) long; and 4 to 9 bisexual disk florets with maroon petals 0.12 to 0.17 in (3.1 to 4.4 mm) long. Fruits are compressed achenes 0.06 to 0.1 in (1.5 to 3 mm) long and 0.02 to 0.03 in (0.5 to 0.8 mm) wide. This species is distinguished from others of the genus by its erect habit; the presence and types of glands and hairs on the plant; the fewer heads per flower cluster; the larger, male ray florets; the fewer, bisexual, maroon-petalled disk florets; and the wider achenes (Lowrey 1990).

Historically, *Tetramolopium arenarium* was found on the island of Maui on the western slope of Halakeala and on the island of Hawaii from the Kohala Mountains, the northwestern slopes of Mauna Kea and Mauna Loa, and the slopes of Hualalai. Only one population is known today, and it occurs on Hawaii in Kipuka Kalawamauna at PTA on federally managed land. At last count (January 1993), there were 29 reproductive and 79 juvenile plants in a 660 by 200 ft (200 by 60 m) area (HHP 1991v1 to 1991v4, 1991w, HPCC 1990a, Laven *et al.* 1991; R. Shaw, pers. comm., 1992; R. Shaw, *in litt.*, 1993). This species typically grows in open 'a'ali'i-dominated Lowland or Montane Dry Forests at elevations between 2,600 and 4,900 ft (800 and 1,500 m) (Lowrey 1990). Associated species include 'a'ali'i, pukiawe, *Chamaesyce olowaluana* ('akoko), and *Dubautia linearis* (na'ena'ena) (HPCC 1990a). The major threats to *Tetramolopium arenarium* are competition from alien plant species, particularly fountain grass; grazing, browsing, trampling, and habitat disturbance by feral goats, pigs, and sheep; habitat disturbance and damage to plants as a result of military exercises; fire; and stochastic extinction and/or reduced reproductive vigor due to the single existing population (Douglas *et al.* 1989, HPCC 1990a, Herbst and Fay 1979).

Hillebrand (1888) described *Zanthoxylum hawaiiense* based on a specimen collected on the island of Hawaii and also indicated an unnamed variety for a specimen collected on Lanai. Other names published for portions of this taxon include: *Z. bluetianum* (Rock 1913), *Z. hawaiiense* var. *citriodora* (Rock 1913), *Z. hawaiiense* var. *velutinosum* (Rock 1913), and *Z. hawaiiense* var. *subacutum* (St. John 1976). Some authors placed Hawaiian species in the genus *Fagara*, resulting in *F. hawaiiensis* (Engler 1896) and *F. bluetiana* (Engler 1931). Sherff (1958) named *F. hawaiiensis* var. *citriodora*, *F. hawaiiensis* var. *subacutata*, and *F. hawaiiensis* var. *velutinosum*, all of which are considered within the range of variation of *Z. hawaiiense* in the current treatment of the Hawaiian species (Stone *et al.* 1990).

*Zanthoxylum hawaiiense* of the rue family (Rutaceae), a thornless tree usually 10 to 26 ft (3 to 8 m) tall with a trunk up to 10 in (25 cm) in diameter, has alternate leaves comprising three leathery, triangular-oval or lance-shaped, gland-dotted, lemon-scented, toothed leaflets usually 1.3 to 3.9 in (3.4 to 10 cm) long and 0.6 to 2 in (1.5 to

5 cm) wide. The stalk of each of the two side leaflets has one joint, and the stalk of the terminal leaflet has two joints. Flowers are usually either male or female, and usually only one sex is found on a single tree. Clusters of 15 to 20 flowers 1.6 to 3.1 in (4 to 8 cm) long have a main flower stalk 0.8 to 2 in (20 to 50 mm) long and individual flower stalks 0.08 to 0.2 in (2 to 4 mm) long. Each flower has four narrowly triangular sepals about 0.04 in (1 mm) long and four hairless petals (possibly absent in male flowers) of an unknown color. The fruit is a sickle-shaped follicle (dry fruit that opens along one side) 0.3 to 0.4 in (8 to 10 mm) long, containing one black seed about 0.3 in (7 to 8 mm) in diameter. This species is distinguished from other Hawaiian species of the genus by its leaves, which are always made up of three leaflets of similar size; the presence of only one joint on some of the leaflet stalks; and the shorter follicle with a rounded tip (Stone *et al.* 1990).

Historically, *Zanthoxylum hawaiiense* was known to occur in the central portion of the island of Kauai; on east Molokai; in the central part of the island of Lanai; on east Maui on the southwestern and southern slopes of Haleakala; and on the island of Hawaii in the Kohala Mountains, on the northern slope of Hualalai, and on the northwestern slope of Mauna Loa. There is now one living individual known on Kauai in Kawaiiki Valley on State-owned land. On Molokai, three extant populations of the species occur on privately and State-owned and federally managed land in Kalaupapa National Historical Park (NHP), in Pelekunu Valley, and near Puu Kolekole. The Molokai populations extend over a distance of about 3 by 2 mi (5 by 3 km). Although the number of plants at one of the sites is uncertain, it is estimated that the three populations contain five plants. On Lanai, one population with an unknown number of individuals has been reported on privately owned property in Kaiholena Gulch. On east Maui, extant populations of *Z. hawaiiense* have been found in Kahikinui, above Lualailua, above Kanaio, and in Auwahi. These four populations extend over a distance of approximately 5 by 3 mi (8 by 5 km) and contain a total of fewer than ten plants. On the island of Hawaii, individuals are found at Puu Waawaa and at PTA on State-owned and federally managed land. These extant populations are located about 13 mi (21 km) apart and contain a total of about 150 plants (R. Shaw, pers. comm., 1993; R. Shaw *in litt.*, 1993). In summary, *Zanthoxylum*

*hawaiiense* is currently located on 5 islands and consists of 11 populations and about 166 individuals (HHP 1991x1 to 1991x16; R. Shaw, pers. comms., 1991, 1993; R. Shaw, *in litt.*, 1993).

*Zanthoxylum hawaiiense* typically grows in 'ohi'a-dominated Lowland Dry or Mesic Forests, and Montane Dry Forests, often on aa lava, at elevations between 1,800 and 5,710 ft (550 and 1,740 m) (Gagne and Cuddihy 1990, Stone *et al.* 1990). Associated species include *Antidesma platyphyllum* (hame) on Kauai, *Pleomele auwahiensis* (hala pepe) on Molokai, *Streblus pendulinus* (a'ia'i) on Maui, and mamane and naio on the island of Hawaii (HHP 1991x1, 1991x5, 1991x9, 1991x11, HPCC 1990b; R. Shaw, pers. comm., 1992). A threat to *Z. hawaiiense* on Kauai is competition from alien plant species such as lantana and *Melia azedarach* (Chinaberry) (HHP 1991x11). On Molokai, competition with alien plant species, grazing, browsing, trampling, and habitat disturbance by feral goats are threats (HHP 1991x5; Lyman Perry, The Nature Conservancy of Hawaii, *in litt.*, 1993). On Maui, competition with Kikuyu grass, which forms a continuous mat in many areas, and grazing, browsing, trampling, and habitat disturbance by cattle and goats are threats (A. Medeiros, pers. comm., 1992; A. Medeiros and Lloyd Loope, Haleakala National Park, *in litt.*, 1993). The major threats to the species on the island of Hawaii are competition from alien plant species such as fountain grass; grazing, browsing, trampling, and habitat disturbance by feral goats and sheep; habitat disturbance and damage to plants as a result of military exercises; and fire (CPC 1990, HHP 1991x10, HPCC 1990b). In addition, the species is threatened by stochastic extinction and/or reduced reproductive vigor due to the small number of existing individuals.

#### Previous Federal Action

Federal action on these plants began as a result of section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. In that document, *Clermontia lindseyana*, *Clermontia peleana*, *Colubrina oppositifolia*, *Cyanea hamatiflora* ssp. *carlsonii* (as *C. carlsonii*), *Cyanea shipmanii*, *Hesperocnide sandwicensis*, *Ischaemum byrsonae*, *Nothoctrum breviflorum* (as *N. breviflorum* var. *breviflorum*), *Portulaca sclerocarpa*, and

*Zanthoxylum hawaiiense* (as *Z. hawaiiense* var. *citriodora*) were considered to be endangered. *Cyrtandra giffardii*, *Silene hawaiiensis* (as *S. hawaiiensis* var. *hawaiiensis*), and *Zanthoxylum hawaiiense* (as *Z. hawaiiense* var. *hawaiiense* and *Z. hawaiiense* var. *velutinosum*) were considered to be threatened. *Clermontia pyrularia*, *Isodendron pyrifolium*, *Nothoctrum breviflorum* (as *N. breviflorum* var. *longipes*), and *Tetramolopium arenarium* (as *T. arenarium* var. *arenarium*, *T. arenarium* var. *confertum*, and *T. arenarium* var. *dentatum*) were considered to be extinct. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act, and giving notice of its intention to review the status of the plant taxa named therein. As a result of that review, on June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine endangered status pursuant to section 4 of the Act for approximately 1,700 vascular plant species, including all of the above taxa considered to be endangered or thought to be extinct. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, **Federal Register** publication.

General comments received in response to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the **Federal Register** (44 FR 70796) withdrawing the portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. The Service published updated notices of review for plants on December 15, 1980 (45 FR 82480), September 27, 1985 (50 FR 39526), and February 21, 1990 (55 FR 6184). In these notices, 10 of the taxa (including synonymous taxa) that had been proposed as endangered in the June 16, 1976, proposed rule were treated as Category 1 candidates for Federal listing. Category 1 taxa are those for which the Service has on file substantial information on biological vulnerability and threats to support preparation of listing proposals. *Clermontia*

*lindseyana*, *Clermontia pyralaria*, *Colubrina oppositifolia*, *Cyanea shipmanii*, *Hesperocnide sandwicensis*, *Ischaemum byrone*, *Nothoecstrum breviflorum*, *Portulaca sclerocarpa*, and *Zanthoxylum hawaiiense*, which were proposed as endangered in the June 16, 1976, proposed rule, were considered Category 1 candidates on all three notices of review; *Cyanea hamatiflora* ssp. *carlsonii* was considered a Category 1 taxon as *Cyanea carlsonii* in the 1980 and 1985 notices and as *Cyanea hamatiflora* ssp. *carlsonii* in the 1990 notice. *Cyanea stictophylla* and *Silene hawaiiensis* were considered Category 1 species in all three notices. In the 1980 and 1985 notices, *Isodendron pyrifolium* and *Tetramolopium arenarium* were considered Category 1\* species. In the 1990 notice, these two species were accorded Category 3A status, but because new information regarding their existence has become available, they were proposed in 1992 for listing. Category 1\* taxa are those which are possibly extinct, and Category 3A taxa are those for which the Service has persuasive evidence of extinction. *Cyrtandra giffardii* appeared as a Category 2 species and *Clermontia peleana* as a Category 3C species in the 1980 and 1985 notices. *Ochrosia kilaueaensis* first appeared as a Category 2 species in the 1985 notice. Category 2 taxa are those for which there is some evidence of vulnerability, but for which there are not enough data to support listing proposals at the time. Category 3C taxa are those which are more abundant than previously believed, and/or those that are not subject to any identifiable threat. Because new information provided support for listing, the above three species were conferred Category 1 status in the 1990 notice. The Service recognized *Cyanea copelandii* ssp. *copelandii*, *Cyrtandra tintinnabula*, *Mariscus fauriei*, *Plantago hawaiiensis*, and *Pritchardia affinis* as Category 1 taxa for the first time in the 1990 notice.

Section 4(b)(3)(B) of the Act requires the Secretary to make findings on petitions that present substantial information indicating that the petitioned action may be warranted within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. On October 13, 1983, the Service found that the petitioned listing of these taxa was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of this finding was

published on January 20, 1984 (49 FR 2485). Such a finding requires the Service to consider the petition as having been resubmitted, pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed in October of 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991. Publication of the proposed rule constituted the final 1-year finding for these taxa.

On December 17, 1992, the Service published in the **Federal Register** (57 FR 59951) a proposal to list 22 plant taxa from the island of Hawaii as endangered. This proposal was based primarily on information supplied by the Hawaii Heritage Program, the Hawaii Plant Conservation Center, and observations of botanists and naturalists. The Service now determines 20 taxa primarily from the island of Hawaii to be endangered and 1 taxon from the island of Hawaii to be threatened, with the publication of this rule. One additional taxon has been withdrawn from consideration for listing.

#### Summary of Comments and Recommendations

In the December 17, 1992, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final decision on the proposal. The public comment period ended on February 16, 1993. Appropriate State agencies, county and city governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting general public comments were published in the Honolulu Advertiser on January 4, 1993 and in the Hawaii Tribune Herald on January 6, 1993. Nine letters of comment were received. No requests for public hearings were received. Additional biological information contained in these comments has been incorporated into the final rule. Three letters provided only biological information and did not provide any comments on the proposed listing. Three letters provided both additional information and supported the listing of all 22 species as endangered species. One letter provided additional biological information and specifically recommended that three of the species not be listed as endangered or threatened. One letter suggested that it would be better to promote the horticultural use of a particular taxon rather than list it as endangered. These issues and the Service's response are discussed below:

**Issue 1: Status of *Hesperocnide sandwicensis*:** One respondent stated that this species should not be listed as an endangered or threatened plant, because there are a large number of individuals (possibly over 1 million), the taxon is widespread, the species is adapted to disturbance, there is an abundance of protected habitat, and there are few serious threats to its survival.

**Service Response:** At the time the proposed rule was written, the number of *Hesperocnide sandwicensis* was thought to range from several hundred to approximately 1,300 individuals. Extensive surveys in 1992 and early 1993 have documented tens of thousands of plants on lava flows between Mauna Loa and Mauna Kea (R. Shaw, *in litt.*, 1993). The Service has carefully considered the respondent's comments and concurs with his evaluation. Due to the location and large number of new populations and individuals now known, the Service is not including *Hesperocnide sandwicensis* in the final rule. This species is placed in category 3C of the Service's plant notice of review and is removed from the list of candidate species, although the Service will continue to monitor threats to the populations.

**Issue 2: Status of *Pritchardia affinis*:** One respondent suggested that an alternative to listing the species as endangered would be to promote the use of *Pritchardia affinis* for use as a culturally significant landscape plant.

**Service Response:** Designating *Pritchardia affinis* as an endangered species affords this taxon significant legal protection. While the use of species such as *Pritchardia affinis* for landscaping purposes may have important educational or cultural benefits, such plantings would not ensure the protection of the few remaining individuals in the wild.

**Issue 3: Status of *Silene hawaiiensis*:** One respondent stated that this species should not be listed as an endangered or threatened species, because the taxon is relatively common throughout its range (over 3,000 plants), the taxon is widely distributed, many populations are in protected areas, there are few serious threats to its survival, and there are significant taxonomic uncertainties regarding its status as a species.

**Service Response:** At the time the proposed rule was written, the number of *Silene hawaiiensis* was thought to be between 2,600 and 2,700 individuals in 17 populations. Despite extensive surveys in the area of PTA, the total number of known plants is still fewer than 4,000 individuals (R. Shaw, *in litt.*,

1993). While small populations of this taxon are found throughout the area between Mauna Loa and Mauna Kea, most populations are still threatened by fire, grazing, and disturbances. Fewer than 1,000 plants are known from well protected areas (Hawaii Volcanoes National Park). The most authoritative taxonomic treatment of Hawaiian *Silene* maintains this taxon as a valid species (Wagner *et al.* 1990). No published taxonomic studies since then have questioned the validity of *Silene hawaiiensis*. Based on the above information, the Service determines that *Silene hawaiiensis* is not now in danger of extinction, but that *Silene hawaiiensis* is likely to become endangered in the foreseeable future if the threats posed by fire, competition from alien plant species, and feral goats, pigs, and sheep are not curbed. Thus, this taxon is designated a threatened species.

*Issue 4: Status of Zanthoxylum hawaiiense*: One respondent questioned if it was possible to list this taxon as endangered only on the islands of Kauai, Molokai, Lanai, and Maui and

not list it on the island of Hawaii because it is more common on Hawaii (possibly between 750 and 3,750 plants).

*Service Response*: The Act does not allow for the listing of plants in only a portion of their ranges. Consequently, a plant species is listed as endangered if it is in danger of extinction over all or a significant portion of its range. At the time the proposed rule was written, the number of *Zanthoxylum hawaiiense* was thought to be fewer than 75 individuals. Extensive surveys in the area of PTA have located approximately 150 individuals (R. Shaw, pers. comm., 1993). The respondent's figures of between 750 and 3,750 plants is based upon an extrapolation of plant densities on PTA to lower elevation areas which, in general, have been more affected by cattle grazing, goats, pigs, and fires. This type of extrapolation is not warranted, given the potential differences between the two areas. However, even if these estimates were correct, the species would still be in danger of extinction due to the presence, throughout its entire range, of uncontrolled threats

such as fire; competition from alien plant species; and susceptibility to grazing, browsing, trampling, and habitat disturbance by feral goats and sheep. For these reasons, *Zanthoxylum hawaiiense* is determined to be an endangered species.

**Summary of Factors Affecting the Species**

After thorough review and consideration of all information available, the Service has determined that 20 plant taxa from the island of Hawaii should be classified as endangered species and 1 taxon from the island of Hawaii should be classified as threatened. One taxon has been withdrawn from consideration.

Procedures found at section 4 of the Endangered Species Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). The threats facing these 21 taxa are summarized in Tables 1 and 2.

TABLE 1.—SUMMARY OF THREATS

Species	Alien mammals	Disease insects	Alien plants	Limited numbers*
<i>Clermontia lindseyana</i> .....	CGPr		X	
<i>Clermontia peleana</i> .....	PR			X1
<i>Clermontia pyrularia</i> .....	r		X	X1,2
<i>Colubrina oppositifolia</i> .....	P	X	X	
<i>Cyanea copelandii</i> ssp. <i>copelandii</i> .....	r			X1,2
<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i> .....	Cr		X	X2,3
<i>Cyanea shipmanii</i> .....	r			X2,3
<i>Cyanea stictophylla</i> .....	Cr			X2,3
<i>Cyrtandra giffardii</i> .....	P			X2,3
<i>Cyrtandra tintinnabula</i> .....	P			X2,3
<i>Ischaemum byrone</i> .....	dg		X	
<i>Isodendron pyrifolium</i> .....			X	X2,3
<i>Mariscus fauriei</i> .....	DG		X	X2,3
<i>Nothoestrum breviflorum</i> .....	C		X	X2,3
<i>Ochrosia kilaueaensis</i> .....	Gr	X	X	X1,2
<i>Plantago hawaiiensis</i> .....		X	X	X1,2
<i>Portulaca sclerocarpa</i> .....	GPS		X	
<i>Pritchardia affinis</i> .....	R	P		X3
<i>Silene hawaiiensis</i> .....	GPS		X	
<i>Tetramolopium arenarium</i> .....	GPS		X	X2
<i>Zanthoxylum hawaiiense</i> .....	dG		X	X

Table 1. Key:

- C/c=Cattle
- D/d=Deer
- G/g=Goats
- P/p=Pigs
- R/r=Rats
- S/s=Sheep

X=Immediate and significant threat. Alien mammals shown in uppercase characters.

P=Potential threat. Alien mammals shown in lowercase characters.

\*=No more than 100 known individuals and/or no more than 5 known populations.

1=No more than 10 known individuals.

2=No more than 5 known populations.

3=No more than 100 known individuals.

TABLE 2.—SUMMARY OF THREATS

Species	Fire	Natural disasters	Human impacts	Military
<i>Clermontia lindseyana</i> .....				
<i>Clermontia peleana</i> .....		X	X	
<i>Clermontia pyralaria</i> .....			P	
<i>Colubrina oppositifolia</i> .....	X		P	X
<i>Cyanea copelandii</i> ssp. <i>copelandii</i> .....			P	
<i>Cyanea hamatiflora</i> ssp. <i>carlsonii</i> .....			P	
<i>Cyanea shipmanii</i> .....				
<i>Cyanea stictophylla</i> .....				
<i>Cyrtandra giffardii</i> .....			P	
<i>Cyrtandra tintinnabula</i> .....				
<i>Ischaemum byrone</i> .....		X	X	
<i>Isodendron pyrifolium</i> .....	X		X	
<i>Mariscus fauriei</i> .....				
<i>Nothoecstrum breviflorum</i> .....	X		X	
<i>Ochrosia kilaueaensis</i> .....	X		P	
<i>Plantago hawaiiensis</i> .....				
<i>Portulaca sclerocarpa</i> .....	X		P	X
<i>Pritchardia affinis</i> .....			X	
<i>Silene hawaiiensis</i> .....	X	X	P	X
<i>Tetramolopium arenarium</i> .....	X		P	X
<i>Zanthoxylum hawaiiense</i> .....	X		P	X

Key: X=Immediate and significant threat.  
P=Potential threat.

These factors and their application to *Clermontia lindseyana* Rock ('oha wai), *Clermontia peleana* Rock ('oha wai), *Clermontia pyralaria* Hillebr. ('oha wai), *Colubrina oppositifolia* Brongn. ex H. Mann (kauila), *Cyanea copelandii* Rock ssp. *copelandii* (haha), *Cyanea hamatiflora* ssp. *carlsonii* (Rock) Lammers (haha), *Cyanea shipmanii* Rock (haha), *Cyanea stictophylla* Rock (haha), *Cyrtandra giffardii* Rock (ha'iwale), *Cyrtandra tintinnabula* Rock (ha'iwale), *Ischaemum byrone* (Trin.) Hitch. (Hilo ischaemum), *Isodendron pyrifolium* A. Gray (wahine noho kula), *Mariscus fauriei* (Kukenth.) T. Koyama (NCN), *Nothoecstrum breviflorum* A. Gray ('aiea), *Ochrosia kilaueaensis* St. John (holei), *Plantago hawaiiensis* (A. Gray) Pilg. (laukahi kuahiwi), *Portulaca sclerocarpa* A. Gray (po'e), *Pritchardia affinis* Becc. (loulou), *Silene hawaiiensis* Sherff (NCN), *Tetramolopium arenarium* (A. Gray) Hillebr. (NCN), and *Zanthoxylum hawaiiense* Hillebr. (a'e) are as follows:

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

The habitat of the plants included in this rule has undergone extreme alteration because of past and present land management practices, including deliberate alien animal and plant introductions; agricultural, commercial, and urban development; and military and recreational use. Natural disturbances such as flooding,

landslides, and volcanic activity also destroy habitat and can have a significant effect on small populations of plants. Competition with alien plants as well as destruction of plants and modification of habitat by introduced animals are the primary threats facing 18 of the 21 taxa included in this rule (See Table 1).

Beginning with Captain James Cook in 1792, early European explorers introduced livestock, which became feral, increased in number and range, and caused significant changes to the natural environment of Hawaii. The 1848 provision for land sales to individuals allowed large-scale agricultural and ranching ventures to begin. So much land was cleared for these enterprises that climatic conditions began to change, and the amount and distribution of rainfall were altered (Wenkam 1969). Plantation owners supported reforestation programs which resulted in many alien trees being introduced in the hope that the watershed could be conserved.

Past and present activities of introduced alien mammals are the primary factor in altering and degrading vegetation and habitats on the island of Hawaii as well as on Kauai, Oahu, Molokai, and Maui, where some populations of these species occur. Feral ungulates trample and eat native vegetation and disturb and open areas. This causes erosion and allows the entry of alien plant species (Cuddihy and Stone 1990, Wagner *et al.* 1990).

Fourteen taxa in this rule are directly threatened by habitat degradation resulting from introduced ungulates: 4 taxa are threatened by cattle, 1 taxon by deer, 7 taxa by goats, 8 by pigs, and 4 by sheep.

Axis deer (*Axis axis*), native to Sri Lanka and India, were first introduced to the Hawaiian Islands in 1868 as a game animal on Molokai, later to Oahu and Lanai, and finally to east Maui in 1960. Hunting of axis deer is allowed only on Molokai and Lanai during 2 months of the year (Hawaii DLNR 1985, Tomich 1986). The animal constitutes a threat to *Mariscus fauriei* on Molokai and a potential threat to *Ischaemum byrone* and *Zanthoxylum hawaiiense* on Molokai and Maui (HHP 1991x5, HPCC 1990b, Medeiros *et al.* 1986; R. Hobdy, pers. comm., 1992).

Cattle (*Bos taurus*), the wild progenitor of which was native to Europe, northern Africa, and southwestern Asia, were introduced to the Hawaiian Islands in 1793. Large feral herds developed as a result of restrictions on killing cattle decreed by King Kamehameha I. While small cattle ranches were developed on Kauai, Oahu, and west Maui, very large ranches of tens of thousands of acres were created on east Maui and Hawaii. Much of the land used in these private enterprises was leased from the State or was privately owned and considered Forest Reserve and/or Conservation District land. On Kauai, both sides of Waimea Canyon were supporting large

cattle ranching operations by the 1870s (Ryan and Chang 1985). Feral cattle roamed Oahu, but most were removed by the early 1960s; today only a few can be found in the northwestern part of the island (J. Lau, pers. comm., 1990). Feral cattle were formerly found on Molokai and Maui and damaged the forests there. Feral cattle can presently be found on the island of Hawaii, and ranching is still a major commercial activity there. Hunting of feral cattle is no longer allowed in Hawaii (Hawaii DLNR 1985). Cattle eat native vegetation, trample roots and seedlings, cause erosion, create disturbed areas into which alien plants invade, and spread seeds of alien plants in their feces and on their bodies. The forest in areas grazed by cattle becomes degraded to grassland pasture, and plant cover is reduced for many years following removal of cattle from an area. Several alien grasses and legumes purposely introduced for cattle forage have become noxious weeds (Cuddihy and Stone 1990, Tomich 1986).

The habitats of many of the plants in this rule were degraded in the past by feral cattle, and this has had effects which still persist. Some taxa in this rule are still being directly affected by cattle. These include: *Clermontia lindseyana*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea stictophylla*, and *Nothoecstrum breviflorum* (HHP 1991a1, 1991p4, 1991p5, HPCC 1990b, 1991a, 1991h; F. Duvall and A. Medeiros, pers. comms., 1992).

Goats (*Capra hircus*), a species originally native to the Middle East and India, were successfully introduced to the Hawaiian Islands in 1792, and currently there are populations on Kauai, Oahu, Molokai, Maui, and Hawaii. On Kauai, feral goats have been present in drier, more rugged areas since 1820; they still occur in Waimea Canyon. Goats have been on Oahu since about 1820, and they currently occur in the northern Waianae Mountains. On Molokai, goats degrade dry forests at low elevations. On Maui, goats have been widespread for 100 to 150 years and are common throughout the south slope of Haleakala (Medeiros *et al.* 1986). On Hawaii, goats damage low-elevation dry forest, montane parkland, subalpine woodlands, and alpine grasslands. Goats are managed in Hawaii as a game animal, but many herds populate inaccessible areas where hunting has little effect on their numbers. Goat hunting is allowed year-round or during certain months, depending on the area (Hawaii DLNR n.d., 1985). Goats browse on introduced grasses and native plants, especially in drier and more open ecosystems. They

also trample roots and seedlings, cause erosion, and promote the invasion of alien plants. They are able to forage in extremely rugged terrain and have a high reproductive capacity (Cuddihy and Stone 1990, Culliney 1988, Tomich 1986). *Clermontia lindseyana*, *Mariscus fairiei*, *Ochrosia kilaueaensis*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense* are currently threatened by goats (Bruegmann 1990, CPC 1990, HHP 1991s5, 1991x5, HPCC 1990b; R. Hobdy, A. Medeiros, and R. Shaw, pers. comms., 1992), and *Ischaemum byrone* is potentially threatened by the animal (HHP 1991m11; R. Hobdy, pers. comm., 1992).

Sheep (*Ovis aries*) have become firmly established on the island of Hawaii (Tomich 1986) since their introduction almost 200 years ago (Cuddihy and Stone 1990). Like feral goats, sheep roam the upper elevation dry forests of Mauna Kea (above 3,300 ft (1,000 m)), including PTA, causing damage similar to that of goats (Stone 1985). Sheep have decimated vast areas of native forest and shrubland on Mauna Kea and continue to do so as a managed game species. Sheep threaten the habitat of at least two previously listed endangered species as well as the following plant species included in this rule: *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense* (Cuddihy and Stone 1990, HHP 1991s4, HPCC 1990a, 1990b, Shaw *et al.* 1990, Stone 1985; K. Nagata and R. Shaw, pers. comms., 1992).

Pigs (*Sus scrofa*) are originally native to Europe, northern Africa, Asia Minor, and Asia. European pigs, introduced to Hawaii by Captain James Cook in 1778, became feral and invaded forested areas, especially wet and mesic forests and dry areas at high elevations. They are currently present on Kauai, Oahu, Molokai, Maui, and Hawaii and inhabit rain forests and grasslands. Pig hunting is allowed on all islands either year-round or during certain months, depending on the area (Hawaii DLNR n.d., 1985). While rooting in the ground in search of the invertebrates and plant material they eat, feral pigs disturb and destroy vegetative cover, trample plants and seedlings, and threaten forest regeneration by damaging seeds and seedlings. They disturb soil substrates and cause erosion, especially on slopes. Alien plant seeds are dispersed in their hooves and coats as well as through their digestive tracts, and the disturbed soil is fertilized by their feces, helping these plants to establish (Cuddihy and Stone 1990, Medeiros *et al.* 1986, Smith

1985, Stone 1985, Tomich 1986, Wagner *et al.* 1990). Feral pigs pose an immediate threat to one or more populations of the following taxa in this rule: *Clermontia lindseyana*, *Clermontia peleana*, *Colubrina oppositifolia*, *Cyrtandra giffardii*, *Cyrtandra tintinnabula*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, and *Tetramolopium arenarium* (Bruegmann 1990, CPC 1990, HPCC 1990a, 1991a, 1991d1, 1991d2; J. Lau, A. Medeiros, John Obata, Hawaii Plant Conservation Center, and W. Wagner, pers. comms., 1992).

Land development for housing and commercial activities threatens *Pritchardia affinis*, *Isodendron pyriformis*, and *Nothoecstrum breviflorum* (C. Corn, K. Nagata, and P. Weissich, pers. comms., 1992). These threats range from specific, previously approved projects to more general development pressures affecting much of the leeward portion of the island of Hawaii. A State-sponsored housing development at the site of the only known population of *Isodendron pyriformis* is currently being modified to reduce its impact on this taxa. However, this modification is not finalized, and the development could still pose a significant threat to the long-term survival of the species.

Illegal cultivation of *Cannabis sativa* (marijuana) occurs in isolated portions of public and private lands in the Hawaiian Islands. This agricultural practice opens areas in native forest into which alien plants invade after the patches are abandoned (Medeiros *et al.* 1988). Marijuana cultivation is considered a threat to the integrity of the habitat of *Clermontia peleana* (Bruegmann 1990, CPC 1990).

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

Unrestricted collecting for scientific or horticultural purposes and excessive visits by individuals interested in seeing rare plants could result from increased publicity. This is a potential threat to all of the taxa in this rule, but especially to *Cyanea copelandii* ssp. *copelandii* and *Ochrosia kilaueaensis*, each of which has only 1 or 2 populations and a total of 10 or fewer known individuals. Any collection of whole plants or reproductive parts of any of these two species could cause an adverse impact on the gene pool and threaten the survival of the species.

#### C. Disease or Predation

Axis deer, cattle, goats, or sheep have been reported in areas where populations of most of the taxa occur. As the taxa are not known to be

unpalatable to these ungulates, predation is a probable threat where those animals have been reported, potentially affecting the following taxa: *Clermontia lindseyana*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea stictophylla*, *Ischaemum byrone*, *Mariscus fauriei*, *Nothocestrum breviflorum*, *Ochrosia kilauaeensis*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*. The lack of seedlings of several of the taxa and the occurrence of some populations or taxa only in areas inaccessible to ungulates seem to indicate the effect that browsing mammals, especially cattle and goats, have had in restricting the distribution of these plants.

Of the four species of rodents that have been introduced to the Hawaiian Islands, the species with the greatest impact on the native flora and fauna is probably roof or black rat (*Rattus rattus*), which now occurs on all the main Hawaiian Islands around human habitations, in cultivated fields, and in dry to wet forests. Roof rats, and to a lesser extent house mouse (*Mus musculus*), Polynesian rat (*R. exulans*), and Norway rat (*R. norvegicus*) eat the fruits of some native plants, especially those with large, fleshy fruits. Many native Hawaiian plants produce their fruit over an extended period of time, and this produces a prolonged food supply which supports rodent populations. Rodents damage fruit of *Pritchardia affinis* (Beccari and Rock 1921). It is probable that rats damage the fruit of *Ochrosia kilauaeensis*, which has fleshy fruits and occurs in areas where rats are found. Rats feed on *Clermontia peleana*, and, since rats are found in remote areas of most islands in Hawaii, it is likely that predation occurs on the other taxa of *Clermontia* and *Cyanea*, potentially affecting *Clermontia lindseyana*, *Clermontia pyricularia*, *Cyanea copelandii* ssp. *copelandii*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea shipmanii*, and *Cyanea stictophylla* (HPCC 1990a; J. Lau, pers. comm., 1990).

Black twig borer (*Xylosandrus compactus*) is a small beetle about 0.06 in (1.6 mm) in length which burrows into branches, introduces a pathogenic fungus as food for its larvae, and lays its eggs. Twigs, branches, and even the entire plant can be killed from such an infestation. Black twig borer is known to attack *Colubrina oppositifolia* and is a threat to this species (Cuddihy and Stone 1990, HHP 1991e9, 1991e16).

*Pritchardia affinis* is known to be susceptible to lethal yellows, which is a bacteria-like organism producing disease in many palms. This disease is

not yet in Hawaii, but if it ever is accidentally introduced on plant material brought into the State, it is a potential threat to this species. Cultivated loulou specimens in areas outside Hawaii may be affected by the disease (Hull 1980).

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

Hawaii's Endangered Species Act states, "Any species of aquatic life, wildlife, or land plant that has been determined to be an endangered species pursuant to the [Federal] Endangered Species Act shall be deemed to be an endangered species under the provisions of this chapter \* \* \* " (HRS, sect. 195D-4(a)). Federal listing would automatically invoke listing under Hawaii State law, which prohibits taking of endangered plants in the State and encourages conservation by State agencies (HRS, sect. 195D-4).

None of the 21 taxa in this rule are presently listed as an endangered species by the State of Hawaii. Fifteen of the 21 taxa in this rule have populations located on privately owned land. Two taxa, *Cyanea shipmanii* and *Cyanea stictophylla*, are found exclusively on private land. At least one population of each taxon except *Cyanea shipmanii*, *Cyanea stictophylla*, *Silene hawaiiensis*, and *Zanthoxylum hawaiiense* occurs on State land. *Colubrina oppositifolia*, *Cyanea copelandii* ssp. *copelandii*, *Cyrtandra giffardii*, *Cyrtandra tintinnabula*, and *Ischaemum byrone* each have one or more populations located in State parks, Natural Area Reserves, or the State seabird sanctuary, which have rules and regulations for the protection of resources (Hawaii DLNR 1981; HRS, sects. 183D-4, 184-5, 195-5, and 195-8). However, the regulations are difficult to enforce because of limited personnel. One or more populations of at least 18 of the 21 taxa included in this rule are located on land classified within conservation districts and owned by the State of Hawaii or private companies or individuals. Regardless of the owner, lands in these districts, among other purposes, are regarded as necessary for the protection of endemic biological resources and the maintenance or enhancement of the conservation of natural resources. Activities permitted in conservation districts are chosen by considering how best to make multiple use of the land (HRS, sect. 205-2). Some uses, such as maintaining animals for hunting, are based on policy decisions, while others, such as preservation of endangered species, are mandated by both Federal and State laws. Requests for amendments to district boundaries

or variances within existing classifications can be made by government agencies and private landowners (HRS, sect. 205-4). Before decisions about these requests are made, the impact of the proposed reclassification on "preservation or maintenance of important natural systems or habitat" (HRS, sects. 205-4, 205-17) as well as the maintenance of natural resources is required to be taken into account (HRS, sects. 205-2, 205-4). For any proposed land use change that will occur on county or State land, will be funded in part or whole by county or State funds, or will occur within land classified as conservation district, an environmental assessment is required to determine whether or not the environment will be significantly affected (HRS, chapt. 343). If it is found that an action will have a significant effect, preparation of a full Environmental Impact Statement is required. Hawaii environmental policy, and thus approval of land use, is required by law to safeguard " \* \* \* the State's unique natural environmental characteristics \* \* \* " (HRS, sect. 344-3(1)) and includes guidelines to "Protect endangered species of individual plants and animals \* \* \* " (HRS, sect. 344-4(3)(A)). Federal listing, because it automatically invokes State listing, would also trigger these other State regulations protecting the plants.

State laws relating to the conservation of biological resources allow for the acquisition of land as well as the development and implementation of programs concerning the conservation of biological resources (HRS, sect. 195D-5(a)). The State also may enter into agreements with Federal agencies to administer and manage any area required for the conservation, management, enhancement, or protection of endangered species (HRS, sect. 195D-5(c)). If listing were to occur, funds for these activities could be made available under section 6 of the Federal Act (State Cooperative Agreements). The Hawaii DLNR is mandated to initiate changes in conservation district boundaries to include "the habitat of rare native species of flora and fauna within the conservation district" (HRS, sect. 195D-5.1). State and Federal agencies have programs to locate, eradicate, and deter marijuana cultivation, which is a threat to one of the taxa in this rule (CPC 1990). Despite the existence of various State laws and regulations which give protection to Hawaii's native plants, their enforcement is difficult due to limited funding and personnel. These State laws



and regulations are therefore inadequate to protect the taxa that occur on State land. Listing of these 21 plant taxa would reinforce and supplement the protection available under the State Act and other laws. The Federal Endangered Species Act would offer additional protection to these 21 taxa because, if they were to be listed as endangered or threatened, it would be a violation of the Act for any person to remove, cut, dig up, damage, or destroy any such plant in an area not under Federal jurisdiction in knowing violation of State law or regulation or in the course of any violation of a State criminal trespass law.

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

The small numbers of populations and individuals of most of these taxa increase the potential for extinction from stochastic events. The limited gene pool may depress reproductive vigor, or a single human-caused or natural environmental disturbance could destroy a significant percentage of the individuals or the only known extant population. This constitutes a major threat to 15 of the 21 taxa included in this rule (See Table 1). Five of the taxa, *Cyanea copelandii* ssp. *copelandii*, *Cyanea shipmanii*, *Isodendron pyriformis*, *Ochrosia kilaueaensis*, and *Tetramolopium arenarium*, are known from a single population. Seven other taxa are known from only two to five populations. Fourteen of the taxa are estimated to number no more than 100 known individuals. Five of these taxa, *Clermontia peleana*, *Clermontia pyralaria*, *Cyanea copelandii* ssp. *copelandii*, *Ochrosia kilaueaensis*, and *Plantago hawaiiensis*, number no more than ten known individuals.

One or more species of 12 introduced plants threaten 12 of the taxa in this rule. The original native flora of Hawaii consisted of about 1,000 species, 89 percent of which were endemic. Of the total native and naturalized Hawaiian flora of 1,817 species, 47 percent were introduced from other parts of the world and nearly 100 species have become pests (Smith 1985, Wagner *et al.* 1990). Naturalized, introduced species degrade the Hawaiian landscape and compete with native plants for space, light, water, and nutrients (Cuddihy and Stone 1990). Some of these species were brought to Hawaii by various groups of people, including the Polynesian immigrants, for food or cultural reasons. Plantation owners, alarmed at the reduction of water resources for their crops caused by the destruction of native forest cover by grazing feral animals, supported the introduction of

alien tree species for reforestation. Ranchers intentionally introduced pasture grasses and other species for agriculture, and sometimes they inadvertently introduced weed seeds as well. Other plants were brought to Hawaii for their potential horticultural value (Cuddihy and Stone 1990, Wenkam 1969).

*Lantana camara* (lantana), brought to Hawaii as an ornamental plant, is an aggressive, thicket-forming shrub which can now be found on all of the main islands in mesic forests, dry shrublands, and other dry, disturbed habitats (Wagner *et al.* 1990). One or more populations of each of the following taxa are threatened by lantana:

*Colubrina oppositifolia*, *Nothoecetrum breviflorum*, and *Zanthoxylum hawaiiense* (HHP 1991e4, 1991e8, 1991e15, 1991e16, 1991p4, 1991p12, 1991x11, HPCC 1991b, 1991h).

*Leucaena leucocephala* (koa haole), a naturalized shrub which is sometimes the dominant species in low elevation, dry, disturbed areas on all of the main Hawaiian islands, threatens *Nothoecetrum breviflorum* (Geesnick *et al.* 1990, HHP 1991p12, HPCC 1991h). *Melia azedarach* (Chinaberry), a small tree widely cultivated and naturalized on most of the main Hawaiian Islands, threatens *Zanthoxylum hawaiiense* on Kauai (HHP 1991x11, Wagner *et al.* 1990). *Passiflora mollissima* (banana poka), a woody vine, poses a serious problem to mesic forests on Kauai and Hawaii by covering trees, reducing the amount of light which reaches trees as well as understory, and causing damage and death to trees by the weight of the vines. Animals, especially feral pigs, eat the fruit and distribute the seeds (Cuddihy and Stone 1990, Escobar 1990). Banana poka threatens *Clermontia lindseyana*, *Clermontia pyralaria*, and *Cyanea hamatiflora* ssp. *carlsonii* (HHP 1991a3, 1991y, HPCC 1991c1 to 1991c3). After escaping from cultivation, *Schinus terebinthifolius* (Christmas berry) became naturalized on most of the main Hawaiian Islands (Wagner *et al.* 1990). It threatens *Colubrina oppositifolia*, *Mariscus fauriei*, and *Nothoecetrum breviflorum* (HHP 1991e8, 1991e15, 1991e16, 1991o8, 1991p12, HPCC 1991b, 1991g).

Several hundred species of grasses have been introduced to the Hawaiian Islands, many for animal forage. Of the approximately 100 grass species which have become naturalized, 6 species threaten 11 of the 21 taxa in this rule. *Andropogon virginicus* (broomsedge) is a perennial, tufted grass which is naturalized on Oahu and Hawaii along roadsides and in disturbed dry to mesic forest and shrubland. This is a fire-

adapted grass which threatens *Portulaca sclerocarpa* (Cuddihy and Stone 1990, HPCC 1991i, O'Connor 1990). *Digitaria ciliaris* (Henry's crabgrass) is an annual grass which forms thick mats. It has naturalized on all the main Hawaiian islands in lawns and pastures and threatens *Ischaemum byrone* (HPCC 1991f, O'Connor 1990). *Oplismenus hirtellus* (basketgrass) is a perennial grass which is naturalized in shaded mesic valleys and forests and sometimes in wet forests on most of the main Hawaiian Islands. *Mariscus fauriei* is threatened by basketgrass (HPCC 1991g, O'Connor 1990). *Pennisetum clandestinum* (Kikuyu grass), an aggressive, perennial grass introduced to Hawaii as a pasture grass, withstands trampling and grazing and has naturalized on four Hawaiian Islands in dry to mesic forest. It produces thick mats which choke out other plants and prevent their seedlings from establishing and has been declared a noxious weed by the U.S. Department of Agriculture (7 CFR 360) (Medeiros *et al.* 1986, O'Connor 1990, Smith 1985). Kikuyu grass is a threat to *Clermontia lindseyana*, and *Zanthoxylum hawaiiense* (HPCC 1991a; A. Medeiros, pers. comm., 1992). *Pennisetum setaceum* (fountain grass) is a fire-adapted bunch grass that has spread rapidly over bare lava flows and open areas on the island of Hawaii since its introduction in the early 1900s. Fountain grass is particularly detrimental to Hawaii's dry forests because it is able to invade areas once dominated by native plants, where it interferes with plant regeneration, carries fires into areas not usually prone to fires, and increases the likelihood of fires (Cuddihy and Stone 1990, O'Connor 1990, Smith 1985). Fountain grass threatens one or more populations of the following taxa: *Colubrina oppositifolia*, *Isodendron pyriformis*, *Nothoecetrum breviflorum*, *Ochrosia kilaueaensis*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense* (HHP 1991p5, HPCC 1990a, 1991h; J. Lau and P. Weissich, pers. comms., 1992).

Because Hawaiian plants were subjected to fire during their evolution only in areas of volcanic activity and from occasional lightning strikes, they are not adapted to recurring fire regimes and are unable to recover well following a fire. Alien plants are often better adapted to fire than native plant species, and some fire-adapted grasses have become widespread in Hawaii; native shrubland can thus be converted to land dominated by alien grasses. The

presence of such species in Hawaiian ecosystems greatly increases the intensity, extent, and frequency of fire, especially during drier months or drought. Fire-adapted alien species can re-establish in a burned area, resulting in a reduction in the amount of native vegetation after each fire. Fire can destroy dormant seeds as well as plants, even in steep or inaccessible areas. Fires may result from natural causes, or they may be accidentally or purposely set by hunters, or military ordnance or personnel. Vegetation within PTA on the northwestern slope of Mauna Loa is particularly vulnerable to fire, as this is an area managed for recreational hunting and used for military training. The only known population of *Tetramolopium arenarium* occurs in Kipuka Kalawamauna, and to protect this area from fires, the U.S. Army has installed firebreaks and now redirects ordnance firing away from that kipuka. Planned military maneuvers are now being re-evaluated in light of several Category 1 and listed endangered species within the boundaries of PTA, and an Environmental Impact Statement is being prepared for the area in response to a court decision (Cuddihy and Stone 1990, U.S. Fish and Wildlife Service 1979; R. Shaw, pers. comm., 1992). Fire is a threat to one or more populations of the following taxa in this rule: *Colubrina oppositifolia*, *Isodendron pyrifolium*, *Nothoecstrum breviflorum*, *Ochrosia kilaueaensis*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense* (HHP 1991e15, 1991p5, HPCC 1990a, 1990b, 1991b, 1991h; J. Lau and K. Nagata, pers. comms., 1992).

Natural changes to habitat and substrate can result in the death of individual plants as well as the destruction of their habitat. This especially affects the continued existence of taxa or populations with limited numbers and/or narrow ranges and is often exacerbated by human disturbance and land use practices (See Factor A). Landslides produced by burrowing seabirds in an offshore islet population of *Ischaemum byrone* are a potential threat to that species (HHP 1991m10; R. Hobdy, pers. comm., 1992). Flooding is a threat to *Clermontia peleana*, which often grows in a riparian habitat (Bruegmann 1990, CPC 1990). A population of *Ischaemum byrone* is presumed to have been destroyed by volcanic activity, and another population is affected by drifting black sand (HHP 1991m3; C. Lamoureux, pers. comm., 1992). Some populations of *Silene hawaiiensis* are also considered

to be threatened by volcanic activity (HPCC 1991j).

People are more likely to come into contact with taxa that have populations near trails or roads or in recreational areas. Alien plants may be introduced into such areas as seeds on footwear, or people may cause erosion, trample plants, or start fires (Cuddihy and Stone 1990). The following taxa have populations in recreational areas or close to roads or trails and are immediately or potentially threatened by human disturbance: *Clermontia peleana*, *Clermontia pyrularia*, *Colubrina oppositifolia*, *Cyrtandra giffardii*, *Ischaemum byrone*, *Nothoecstrum breviflorum*, *Portulaca sclerocarpa*, *Silene hawaiiensis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these taxa in determining to issue this final rule. Based on this evaluation, this rulemaking will list these 20 plant taxa as endangered: *Clermontia lindseyana*, *Clermontia peleana*, *Clermontia pyrularia*, *Colubrina oppositifolia*, *Cyanea copelandii* ssp. *copelandii*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea shipmanii*, *Cyanea stictophylla*, *Cyrtandra giffardii*, *Cyrtandra tintinnabula*, *Ischaemum byrone*, *Isodendron pyrifolium*, *Mariscus fauriei*, *Nothoecstrum breviflorum*, *Ochrosia kilaueaensis*, *Plantago hawaiiensis*, *Portulaca sclerocarpa*, *Pritchardia affinis*, *Tetramolopium arenarium*, and *Zanthoxylum hawaiiense*. One taxon is listed as threatened, *Silene hawaiiensis*. Fourteen of the taxa determined to be endangered number no more than about 100 individuals and/or are known from 5 or fewer populations. The 20 taxa are threatened by 1 or more of the following: habitat degradation and/or predation by axis deer, cattle, goats, insects, pigs, rats, and sheep; competition from alien plants; fire and natural disasters; human and military impacts; and lack of legal protection or difficulty in enforcing laws which are already in effect. Small population size and limited distribution make these taxa particularly vulnerable to extinction and/or reduced reproductive vigor from stochastic events. Because these 20 taxa are in danger of extinction throughout all or a significant portion of their ranges, they fit the definition of endangered as defined in the Act.

Although all populations of *Silene hawaiiensis* are threatened to some degree by fire, competition with alien plant species, predation by feral

animals, and/or human activities, the widespread distribution of populations, rocky habitat, presence of population regeneration, and total numbers of plants reduces the danger that this species will become extinct in the near future. For these reasons, this species is not now in immediate danger of extinction throughout all or a significant portion of its range. However, *Silene hawaiiensis* is likely to become endangered in the foreseeable future if the threats are not curbed. As a result, *Silene hawaiiensis* fits the definition of a threatened species as defined in the Act.

*Hesperocnide sandwicensis* has been reassessed with regard to the five factors addressed above and the new information about the species' abundance and location. Although individual plants and populations of plants are threatened by competition from alien grasses, grazing by feral pigs, goats, and sheep, habitat disturbance and damage to plants as a result of military exercises, and fire, large reproductive populations located throughout PTA are relatively secure from these threats. The Service now finds that *Hesperocnide sandwicensis* fails to meet the definition of either an endangered or threatened species, and has withdrawn it from consideration for endangered or threatened status (see notice of withdrawal published concurrently in this **Federal Register**).

Critical habitat is not being designated for the 21 taxa included in this rule, for reasons discussed in the **Critical Habitat** section of this rule.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered. The Service finds that designation of critical habitat is not presently prudent for these taxa. As discussed under Factor B in the "Summary of Factors Affecting the Species," the taxa face numerous anthropogenic threats. The publication of precise maps and descriptions of critical habitat in the **Federal Register**, as required in a designation of critical habitat, would increase the degree of threat to these plants from take or vandalism and, therefore, could contribute to their decline. The listing of these taxa as endangered publicizes the rarity of the plants and, thus, can make these plants attractive to researchers, curiosity seekers, or collectors of rare plants. All involved parties and the major landowners have been notified of the general location and importance of

protecting the habitat of these taxa. Protection of the habitat of the taxa will be addressed through the recovery process and through the section 7 consultation process. Designation of critical habitat for these taxa is not prudent at this time because such a designation would increase the potential for vandalism, collecting, or other human activities and is unlikely to aid in the conservation of these taxa.

#### 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 recognition, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. 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, requires 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)(2) of the Act requires Federal agencies to insure 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, the responsible Federal agency must enter into formal consultation with the Service. One or more populations of 10 of the taxa are located on federally owned and/or managed land: Four taxa are located in Hawaii Volcanoes National Park on the island of Hawaii and one taxon in Kalaupapa NHP on Molokai; six taxa are located on military lands, including one species on Makua Military Reservation on Oahu and five taxa on PTA on the island of Hawaii; two taxa are found in Hakalau Forest National Wildlife Refuge on the island of Hawaii; and a population of one taxon occurs at a U.S. Coast Guard

lighthouse on Maui. Federal agencies that would become involved if any of their activities may affect these 21 taxa include the National Park Service, Department of Defense, Environmental Protection Agency, Fish and Wildlife Service, and the U.S. Coast Guard.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, 17.63, 17.71 and 17.72 for endangered and threatened plants set forth a series of general prohibitions and exceptions that apply to all endangered or threatened plant species. With respect to the 20 plant taxa in this rule listed as endangered, all of the prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. With respect to the taxon listed as threatened, the provisions of 50 CFR 17.71, apply. These prohibitions, in part, make it illegal with respect to any endangered or threatened plant for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; remove and reduce to possession any such species from areas under Federal jurisdiction. For plants listed as endangered, the Act prohibits the malicious damage or destruction of any such species on any area under Federal jurisdiction; or to remove, cut, dig up, damage, or destroy any such species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulation. This protection may apply to this species in the future if regulations are promulgated. Certain exceptions apply to agents of the Service and State conservation agencies. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement "of cultivated origin" appears on their containers.

The Act and 50 CFR 17.62, 17.63 and 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered or threatened plant species under certain circumstances. It is anticipated that few permits would ever be sought or issued. The taxa are not common in cultivation or in the wild, and only one taxon, *Pritchardia affinis*, is known to be in an active program of cultivation.

Requests for copies of the regulations concerning listed plants and inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Permits Branch, 911 NE 11th Avenue, Portland, Oregon 97232-4181 (503/231-6241; FAX 503/231-6243).

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment or Environmental Impact Statement, 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

A complete list of all references cited herein is available upon request from the Pacific Islands Office (see ADDRESSES section).

#### Author

The author of this final rule is Loyal A. Mehrhoff, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541-2749).

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

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

#### Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended 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. Amend § 17.12(h) by adding the following, in alphabetical order, under the families indicated, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Apocynaceae—Dogbane family:						
<i>Ochrosia Kilaueaensis.</i>	Holei .....	U.S.A. (HI) .....	E	532	NA	NA
Arecaceae—Palm family:						
<i>Pritchardia affinis</i> .....	Loulu .....	U.S.A. (HI) .....	E	532	NA	NA
Asteraceae—Aster family:						
<i>Tetramolopium arenarium.</i>	None .....	U.S.A. (HI) .....	E	532	NA	NA
Campanulaceae—Bell-flower family:						
<i>Clermontia lindseyana.</i>	'Oha wai .....	U.S.A. (HI) .....	E	532	NA	NA
<i>Clermontia peleana</i> ..	'Oha wai .....	U.S.A. (HI) .....	E	532	NA	NA
<i>Clermontia pyrularia</i> ..	'Oha wai .....	U.S.A. (HI) .....	E	532	NA	NA
<i>Cyanea copelandii</i> ssp. <i>copelandii.</i>	Haha .....	U.S.A. (HI) .....	E	532	NA	NA
<i>Cyanea hamatiflora</i> ssp. <i>carlsonii.</i>	Haha .....	U.S.A. (HI) .....	E	532	NA	NA
<i>Cyanea shipmanii</i> .....	Haha .....	U.S.A. (HI) .....	E	532	NA	NA
<i>Cyanea stictophylla</i> ..	Haha .....	U.S.A. (HI) .....	E	532	NA	NA
Caryophyllaceae—Pink family:						
<i>Silene hawaiiensis</i> .....	None .....	U.S.A. (HI) .....	T	532	NA	NA
Cyperaceae—Sedge family:						
<i>Mariscus fauriei</i> .....	None .....	U.S.A. (HI) .....	E	532	NA	NA
Gesneriaceae—African Violet family:						
<i>Cyrtandra giffardii</i> .....	Ha'iwale .....	U.S.A. (HI) .....	E	532	NA	NA
<i>Cyrtandra tintinnabula.</i>	Ha'iwale .....	U.S.A. (HI) .....	E	532	NA	NA
Plantaginaceae—Plantain family:						
<i>Plantago hawaiiensis</i>	Laukahi kuahiwi .....	U.S.A. (HI) .....	E	532	NA	NA
Poaceae—Grass family:						
<i>Ischaemum byrone</i> ..	Hilo ischaemum .....	U.S.A. (HI) .....	E	532	NA	NA
Portulacaceae—Purslane family:						

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
<i>Portulaca sclerocarpa</i>	Po'e .....	U.S.A. (HI) .....	E	532	NA	NA
Rhamnaceae—Buckthorn family:						
<i>Colubrina oppositifolia</i>	Kaula .....	U.S.A. (HI) .....	E	532	NA	NA
Rutaceae—Citrus family:						
<i>Zanthoxylum hawaiiense</i>	A'e .....	U.S.A. (HI) .....	E	532	NA	NA
Solanaceae—Nightshade family						
<i>Nothoecstrum breviflorum</i>	'Aiea .....	U.S.A. (HI) .....	E	532	NA	NA
Violaceae—Violet family:						
<i>Isodendron pynifolium</i>	Wahine noho kula .....	U.S.A. (HI) .....	E	532	NA	NA

Dated: February 10, 1994.

**Mollie H. Beattie,**

Director, Fish and Wildlife Service.

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