

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Remove the Tinian Monarch Flycatcher From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Tinian monarch (*Monarcha takatsukasa*) is endemic to the island of Tinian in the Mariana Archipelago. Its numbers in 1945 were thought to be critically low due to the removal of native forests for sugarcane production, and due to the destruction of forest by the activities of World War II. The monarch was afforded protection under the U.S. Endangered Species Act in 1970, though there had been no surveys of its status in the preceding two decades. Since the end of World War II, most of Tinian has been revegetated by a shrubby legume (*Leucaena leucocephala*), which was seeded by the U.S. military. The Tinian Monarch has adapted well to this new cover type and now thrives in abundance throughout Tinian. This proposed rule acknowledges the increase in suitable habitat and numbers, and would remove the monarch from the List of Endangered and Threatened Wildlife. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by December 31, 1985. Public hearing requests must be received December 16, 1985.

ADDRESSES: Comments and materials concerning this proposal should be sent to Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, Lloyd 500 Building, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:
Background

The Tinian monarch was first recognized as a species in 1931, when it was described by Y. Yamashina (Takatsukasa and Yamashina 1931). It is a small (15 centimeters; 6 inches)

songbird with light rufous underparts, olive-brown upperparts, dark brown wings and tail, and white rump and undertail coverts (Baker 1951). The monarch is endemic to the island of Tinian, where it inhabits a variety of forest types from introduced second growth to well-developed native forests. Its numbers had apparently been reduced by 1945 due to the clearing of forests by the Japanese for sugarcane production and the destruction of remaining forest by military action during World War II (Coultas 1931, Owen 1974).

Since 1945, most of Tinian has been revegetated by a shrubby legume (*Leucaena leucocephala*) seeded by the U.S. military. The monarch has adapted well to this introduced, woody shrub, and is now found abundantly throughout Tinian. Biologists who have visited Tinian over the last 10 years have commented on the general abundance of the monarch (Owen 1974; Pratt, *et al.* 1979), and forest bird surveys conducted by the Service in 1982 found the monarch to be the second most abundant bird on the island with a population estimate of 10,000 (Engbring and Ramsey in prep.). It seems very likely that the species had recovered to near its pre-1945 abundance by the time the Service listed it in 1970. The listing was based upon the report of Baker (1951), which was for field work done in the late 1940's.

Though agricultural development and human population growth is expected to remove portions of forest on Tinian in future years, ecological disruption should never approach the severity that was witnessed in the war. Most land on Tinian is now leased by the U.S. Navy for a training area, and development there is expected to be minimal. The amount of forest remaining on Tinian should assure the continued existence of the Tinian monarch, which has shown itself to be a resilient and adaptable species.

The Tinian monarch was classified as endangered June 2, 1970 (35 FR 8495). No surveys had been made in the preceding 20 years. No critical habitat was designated. This delisting action merely acknowledges the fact that this species is no longer threatened or endangered and removes it from protection under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) set forth the procedures for listing, reclassifying, or removing species from

the Federal lists. The term "endangered species" means any species that is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of the Act would present an overwhelming and overriding risk to man. The term "threatened species" means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

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 data used to support a removal must be the best scientific and commercial data available to substantiate that the species is neither endangered nor threatened. Factors leading to delisting include extinction, recovery of the species, or the original data for classification were in error. The factors in Section 4(a)(1) and their application to the Tinian monarch are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. Most of Tinian is expected to remain in a forested condition in future years. Even though agricultural development, military development, and a growing human population is expected to remove portions of forest, peak development is not likely to be approached as occurred during the Japanese era. Much of the forest that remains on Tinian will be scrubby, second growth habitat in which the monarch thrives.

B. Overutilization for commercial, recreational, scientific, or educational purposes. The monarch is a small song bird and is not threatened by or sought for commercial, recreational, scientific, or educational purposes.

C. Disease or predation. There are no known disease or predation problems on Tinian. There is concern, as there is for all islands in Micronesia, that disease or predators might someday be introduced and pose a threat. On Guam in the southern Mariana Islands, all native forest birds have been disappearing over in the last 20 years. This decline appears due to an introduced predator, the brown tree snake (*Boiga irregularis*), or other factors that are now being investigated at that location. With the military becoming more active in training exercises on Tinian, the chance of an accidental introduction from Guam to Tinian is increased. The principal potential source for introducing the snake on Tinian is the U.S. military. The Department of Defense is working with

the Service towards the control of the snakes on Guam, particularly around transport centers (docks and airfields). The Service is very actively investigating methods of controlling the snakes on Guam, in part, to reduce the threat of introduction to the other islands in this area of Pacific. At present, however, nearly all bird species on Tinian appear to have healthy populations and are not known to be affected by serious disease or predation problems.

D. *The inadequacy of existing regulatory mechanisms.* The monarch is presently protected by the Commonwealth of the Northern Marianas Fish and Game Law, as well as the U.S. Endangered Species Act, but will not be protected by the Endangered Species Act if delisted. There are few, if any, enforcement problems, since the monarch is not harvested for commercial, recreational, or other purposes. Perhaps more important than regulations specifically protecting the monarch are laws that protect the overall integrity of the island ecosystem, such as quarantine laws. Quarantine regulations have been promulgated and are enforced by the Commonwealth government at airports and ports of entry. The U.S. military is self-regulatory, and enforces its own quarantine regulations.

E. *Other natural or manmade factors affecting its continued existence.* The monarch is not known to be threatened by any other natural or manmade factors.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, which indicates that the monarch has rebounded from depressed 1945 population levels, the preferred action is to remove the Tinian monarch from the List of Endangered and Threatened Wildlife. The rules governing listing of endangered and threatened species (§ 424.21) require revision of the list whenever obvious changes in status occur. The Service's listing regulations at § 424.11(d) state that a species may be delisted if (1) it becomes extinct, (2) it recovers, or (3) the original classification data were in error. In the case of the Tinian monarch, both (2) and (3) apply. The monarch has recovered from formerly depleted numbers following World War II and, at the same time, a reassessment of the original classification data indicate that the monarch was probably not endangered when actually listed in 1970.

Effects on Rule

The rule merely acknowledges that the Tinian monarch is not threatened with becoming endangered or in danger of extinction and that further protection under the Act is not required. Those prohibitions and conservation measures under the Act, sections 7 and 9, in particular, would no longer be applicable to this species if this rule is made final. As there are no specific preservation or management programs for the species in effect, there will be no impact on any agency or individuals.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the Tinian monarch;

(2) The location of any additional populations of the Tinian monarch;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and their possible impacts on the Tinian monarch.

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

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination

was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

Literature Cited

- Baker, R.H. 1951. The avifauna of Micronesia, its origin, evolution, and distribution. University of Kansas Publications, Museum of Natural History, 3:1-359.
- Coultas, W.F. 1931. Whitney South Sea Expedition Journals, Vol. W, journal and letters. Unpublished field notes. American Museum of Natural History. pp. 132-137 and 256-260.
- Engbring, J., and F. Ramsey. In prep. Micronesian forest bird survey, 1962; Saipan, Tinian, Agiguan, and Rota. U.S. Fish and Wildlife Service. 224 pp.
- Owen, R.P. 1974. Environmental impact study on the terrestrial fauna and flora of Tinian with respect to the proposed establishment of a U.S. military base on that island. Unpublished Report, Trust Territory Conservation Office, Koror, Palau. 22 pp.
- Pratt, H.D., P.L. Brunner, and D.G. Berrett. 1979. America's unknown avifauna: the birds of the Mariana Islands. *American Birds* 33(3):227-235.
- Takatsukasa, S., and Y. Yamashina. 1931. Some new birds from the Palau and Mariana Islands. *Dobutsu. Zasshi* 43:484-487.

Author

The primary author of this proposed rule is John Engbring, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., P.O. Box 50167, Honolulu, Hawaii 96850 (808/546-7530).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

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

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by removing the entry "Flycatcher, Tinian monarch" under BIRDS from the List of Endangered and Threatened Wildlife.

Dated: October 8, 1985.

Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-26125 Filed 10-31-85; 6:45 am]

BILLING CODE 4310-55-M