

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reclassification of the Tinian Monarch From Endangered to Threatened Status

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Tinian monarch (*Monarcha takatsukasae*) is a small bird endemic to the island of Tinian in the Mariana Archipelago. Because its numbers in 1945 were thought to be critically low due to the removal of native forests for sugarcane production and to the destruction of forest by the activities of World War II, the monarch was listed as endangered in 1970, through there had been no surveys of the bird's status in the preceding two decades. The Service proposed that this small bird be removed from the protection of the Endangered Species Act (Act) on November 1, 1985, on the basis of recovery of the species. Based on comments received the Service is now reclassifying the Tinian monarch to threatened status and continues the protection of this species under the Act. **DATE:** The effective date of this rule is May 6, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 NE., Multnomah Street, Suite 1692, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (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 (Coults 1931, Owen 1974).

Since 1945, most of Tinian has been revegetated by a shrubby legume (*Leucaena leucocephala*). 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 40,000 (Engbring *et al.* 1986). The correct number is 40,000 not 10,000 as misstated in the proposal. It is likely that the species had recovered to near its pre-disturbance levels by the time the Service listed it in 1970. The listing was based upon the report of Gleize (1945).

The Tinian monarch was classified as endangered June 2, 1970 (35 FR 8495). No critical habitat has been designated. Because the population of the Tinian monarch appeared healthy, showed no signs of reproductive irregularities or stress, and was widely distributed over Tinian Island; the Service proposed to delist species on November 1, 1985 (50 FR 45632). However, recent changes in the factors affecting the species have caused the Service to reevaluate the proposed rule. The Service now believes that removal of the Tinian monarch from the List of Endangered and Threatened Wildlife would not be prudent at this time. The reasons for this decision are discussed in the "Summary of Comments and Recommendations" and the "Summary of Factors Affecting the Species" section that follows.

The Service determines that the Tinian monarch is a threatened species and remains protected under the provisions of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 *et seq.*) until the new threats to its continued existence can be more thoroughly evaluated and ameliorated. This change in status acknowledges the increase in suitable habitat for the bird and its increase in population size since the close of the Second World War, but also recognizes the new threat of *Leucaena* defoliation by an introduced insect and the possibility of introduction of the predatory brown tree snake (*Boiga irregularis*).

Summary of Comments and Recommendations

In the November 1, 1985, 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 rule. Appropriate Commonwealth agencies, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the *Pacific Daily News* on November 23, 1985, which invited general public comment. Four letters of comment were received, including those from the Chief, Division of Fish and Wildlife, Commonwealth of the Northern Mariana Islands; Director, Guam Department of Agriculture; one Federal agency; and one individual. All comments received have been considered in formulating this final rule.

All letters of comment received recommended that the Tinian monarch not be removed from the List of Endangered and Threatened Wildlife, but instead be reclassified to threatened status. The reasons for this recommendation were as follows:

(1) The recent, accidental introduction of a psyllid insect that is causing the defoliation of the *Leucaena* shrub on the island. This shrub, which covers more than 70% of the land area of Tinian, is the only habitat for the monarch. The long term effect of the insect is presently unknown.

(2) The monarch is found only on Tinian, an island of about 39 square miles in area. There are no other natural or captive populations that could act as a reserve should there be a rapid and sustained decline in the population on this small island.

(3) As boat and plane traffic between Tinian and Guam increases (as a result of increased military and civilian development), the accidental, passive introduction of the brown tree snake from Guam becomes a greater threat. This snake appears to have caused the extirpation or near eradication of many native birds on Guam.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service agrees with the recommendations of the commentators and has determined that the Tinian monarch should be reclassified as a threatened species, rather than delisted as originally proposed. Procedures found at section 4(a)(1) of the Act and regulations (50 CFR Part 424) promulgated to implement those provisions 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). These factors and their

application to the Tinian monarch (*Monarcha takatsukasae*) are as follows:

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

Since the publication of the proposed rule, and exotic psyllid insect (*Heteropsylla* sp.) has reached several of the Mariana Islands, including Tinian. Essentially all of the *Leucaena* scrub habitat on Tinian is infested with the insect, which is causing the near-total defoliation of the plant. This habitat makes up more than 70% of the land area of Tinian and is the only habitat for the monarch. The long term effect of the insect at present is unknown. Should the *Leucaena* not recover, then aggressive weeds, such as *Chromolaena odorata* and *Operculina ventricosa*, will move into the area, precluding regeneration of the *Leucaena* or native forest. The monarch is a forest dweller, and, if the *Leucaena* is replaced by vegetation such as these weeds, its population may be greatly reduced.

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 the last 20 years. This decline appears to be due to an introduced predator, the brown tree snake, or other factors that are now being investigated. With the military becoming more active in training exercises on Tinian, the chance of an accidental introduction from Guam to Tinian of this secretive, nocturnal snake has 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 of Guam, particularly around transport centers (docks and airfields). The Service is 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 the 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, although the potential threat remains.

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. 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 parts 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 small size of the island (39 square miles) and the limited distribution of the bird are potential threats to its continued existence. The monarch is endemic to the island of Tinian and, therefore, natural populations are found nowhere else on earth. Currently there are no captive or transplanted populations of the species nor are there any plans to establish any. In the event of a rapid and sustained decline of the Tinian population, there is no gene pool reserve.

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 make this rule final. Based on this evaluation, the preferred action is to reclassify the Tinian monarch as a threatened species. This new classification reflects the recovery of the monarch from its formerly depleted numbers following World War II, and, at the same time, acknowledges the potential imminent threat posed by the psyllid insect and the brown tree snake. See the following "Critical Habitat" section for a discussion of why critical habitat is not being designated at this time.

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 a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. Such a determination would result in no

known benefit to the species. About two-thirds of the island has been leased to the Navy, including the majority of the habitat occupied by the bird. The Navy has conducted its own survey of the natural resources on the land under its management and is aware of the presence and distribution of the monarch and of its responsibilities to listed species under the Act. Should any other potential adverse threat develop, the involved agencies could be informed by means other than a critical habitat determination.

Available Conservation Measures

The Tinian monarch is already under the protection of the Act as an endangered species. Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. These activities will continue with this species being reclassified to threatened. The protection required of Federal agencies and the prohibitions against taking and harm 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 listed as endangered or threatened and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 [see 51 FR 19926; June 3, 1986]. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed 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. As the Tinian monarch is presently listed as endangered, reclassification to threatened status would result in no modifications or changes of on-going or future

management plans or actions by any Federal agency.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and Commonwealth conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing such permits are at 50 CFR 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities, and for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available. Since the species is already protected by the Act and Commonwealth law, no take for commercial purposes has been allowed, and none would be expected for such a small bird. Therefore, no hardship permits can be issued.

National Environmental Policy Act

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

References Cited

- Baker, R.H. 1951. The avifauna of Micronesia, its origin, evolution, and distribution. University of Kansas Publications, Museum of Natural History 3:1-359.
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- Engbring, J., F. Ramsey, and V. Wildman. 1986. Micronesian forest bird survey, 1982: Saipan, Tinian, Agiguan, and Rota, U.S. Fish and Wildlife Service report. 143 pp.
- Gleize, D.A. 1945. Birds of Tinian. Bull. Massachusetts Audubon Soc. 29:200.
- 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. Bruner, 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

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List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended 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. Amend § 17.11(h), the List of Endangered and Threatened Wildlife, under BIRDS, as follows: in the "Status" column for the entry "Monarch Tinian . . ." change to read "T" instead of "E" and add the number "261" under the "When listed" column for the same species' entry.

Dated: March 24, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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