

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant "*Trichilia triacantha*" (Bariaco)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the plant *Trichilia triacantha* (common name: Bariaco) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. *Trichilia triacantha* is endemic to semideciduous dry forests on limestone in southwestern Puerto Rico. This small tree is threatened by woodcutting, flash-flooding, and its extremely low population size. This final rule will implement the Federal protection and recovery provisions afforded by the Act for *Trichilia triacantha*.

EFFECTIVE DATE: March 7, 1988.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 and at the Service's Southeast Regional Office, Suite 1282, 75 Spring Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. Pace at the Caribbean Field Office address (809/851-7297) or Mr. Richard P. Ingram at the Atlanta Regional Office address (404/333-3583 or FTS 242-3583).

SUPPLEMENTARY INFORMATION:

Background

Trichilia triacantha was described in 1899 by Ignatius Urban, who based his description on material collected several years earlier near Penuelas and Guanica in southwestern Puerto Rico. The species was not seen or collected again until the 1990's, when R.O. Woodbury found it in Guanica Commonwealth Forest and at Punta Guaniquilla, near Boqueron (Vivaldi and Woodbury 1993). In 1978, Woodbury located a single plant in the Guayanilla Hills near Penuelas. Since 1978, four additional populations have been found in Guanica Forest, but the Punta Guaniquilla and Guayanilla Hills plants have been extirpated by woodcutting and road construction. Presently, 18 individuals are known to exist at five sites within Guanica Commonwealth Forest (Fish and Wildlife Service, unpublished field data).

Trichilia triacantha is an evergreen shrub or small tree reaching 30 feet (9 meters) in height and 3 inches (8 centimeters) in diameter. The alternate leaves are shiny dark green, leathery, and clustered at the ends of twigs. Each compound leaf is 3- to 7-parted, with the

lobes appearing to be arranged palmately and bearing 3 stiff, sharp spines at their apex. The white flowers are symmetrical and bisexual; the fruit has not been described yet.

The species is endemic to low elevation semideciduous dry forests occurring on limestone in southwestern Puerto Rico. Within these forests, *Trichilia triacantha* is generally found along dry streambeds which carry water only during periodic torrential rains.

Deforestation for agriculture, grazing, and charcoal production has had a significant effect on the native flora of Puerto Rico. Some species have traditionally been selected for removal because of their utility (fenceposts, handicrafts, etc.). The wood of *Trichilia triacantha* has been sought (Hernandez Aquino 1977) for its hardness, durability, and color, factors which have undoubtedly contributed to the species' rarity. In addition, the species' presence in ravine habitats makes it vulnerable to destruction by flash-flooding during seasonally heavy rains.

Trichilia triacantha was recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps 1976). The species was included among the plants being considered for endangered or threatened status by the Fish and Wildlife Service as identified in the December 15, 1986, notice published in the Federal Register (45 FR 52479). The species was placed in category 1 (species for which the Service

has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) and was retained in this category in the November 28, 1983 (48 FR 53640), update of the 1980 notice and the September 27, 1985, revised notice (50 FR 39526).

In a notice published in the *Federal Register* on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of Section 4(b)(3)(A) of the Act (16 U.S.C. 1533(b)(3)(A)), as amended in 1982. The Service subsequently found on October 13, 1983; October 12, 1984; October 11, 1985; and October 10, 1986, that listing *Trichilia triacantha* was warranted but precluded by other pending listing actions in accordance with section 4(b)(3)(B)(iii) of the Act. The Service proposed listing *Trichilia triacantha* as endangered on April 24, 1987 (52 FR 13790-13792).

Summary of Comments and Recommendations

In the April 24, 1987, 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 agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the *San Juan Star* on May 23, 1987. Five letters of comment were received and are discussed below. A public hearing was neither requested nor held.

Comments were received from the Secretary of the Puerto Rico Department of Natural Resources, the Environmental Protection Agency, U.S. Corps of Engineers, U.S. Forest Service, and the Natural History Society of Puerto Rico.

The Secretary of the Puerto Rico Department of Natural Resources supported the proposed listing of *Trichilia triacantha* stating that the Guanica Commonwealth Forest is being managed strictly from a conservation standpoint. Administrators of the Environmental Protection Agency and the Corps of Engineers stated that they knew of no ongoing or proposed actions that would impact the species and that they had no information on its status. The Forest Service stated that the species does not occur in the Caribbean National Forest and that no action was anticipated that might affect the species. The Natural History Society of Puerto Rico supported the proposed listing.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Trichilia triacantha* should be classified as an endangered species. Procedures found at section 4(a)(1) of the 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). These factors and their application to *Trichilia triacantha* Urban are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Most of the island of Puerto Rico has been deforested, and the forests where *Trichilia triacantha* is presently found are largely second growth. However, the species has traditionally been, and apparently continues to be, selectively taken for its wood. The known remaining plants are widely scattered and confined to Commonwealth Forest lands, and, thus, they are largely protected from cutting. The areas where additional individuals or populations are most likely to be extant are in the Guayanilla Hills, which are being rapidly developed. Undiscovered plants in these areas most likely will be destroyed before being discovered.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The taking of these trees for their wood (for use in fenceposts, home furniture, etc.) has undoubtedly contributed to the decline of this species, but it is not known to what extent this practice continues. The extreme rarity of *Trichilia triacantha* lessens susceptibility to woodcutting, but the possibility of extirpation by this means remains.

C. *Disease or predation.* Disease and predation from herbivores have not been documented as factors in the decline of this species.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Puerto Rico has recently adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Trichilia triacantha* is not yet on the Commonwealth list. Federal listing would apply the recovery and protection provisions of the Act to this species.

E. *Other natural or manmade factors affecting its continued existence.* The known populations of *Trichilia*

triacantha are confined to geographically small areas and thus are vulnerable to natural disturbance, particularly flash-flooding. In addition, with only 18 plants known to exist and little evidence of successful reproduction, the risk of extinction of this species is very high.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in making this determination. Based on this evaluation, the preferred action is to list *Trichilia triacantha* as endangered. Since there are few individuals remaining and a continuing risk of damage to the plants and/or their habitat, endangered status seems an accurate assessment of the species' condition. It is not prudent to designate critical habitat because doing so would increase the risk to this species, as detailed below.

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. The distribution of *Trichilia triacantha* is sufficiently restricted that collecting or vandalism could seriously damage or eliminate the remaining individuals. Publication of critical habitat descriptions and maps in the *Federal Register* would increase the likelihood of such activities. The Service believes that Federal involvement in the areas where this plant occurs can be identified without the designation of critical habitat. All involved parties and known landowners have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will also be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not be prudent to determine critical habitat for *Trichilia triacantha* at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The

Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking 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 being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being designated for *Trichilia triacantha*, as discussed above, and no Federal involvement is known or expected to occur.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63, set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant,

transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, P.O. Box 27329, U.S. Fish and Wildlife Service, Washington, DC 20038-7329 (202/343-4955).

National Environmental Policy Act

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

References Cited

Ayensu, E.S., and R.A. DeFilipps. 1978. *Endangered and Threatened Plants of the United States*. Smithsonian Institution and World Wildlife Fund, Inc., Washington, D.C. xv + 403 pp.

Hernandez Aquino, L. 1977. *Diccionario de Voces Indigenas de Puerto Rico*. Editorial Cultural, Rio Piedras, Puerto Rico. 456 pp.
 Vivaldi, J.L., and R.O. Woodbury. 1981. Status report on *Trichilia triacantha* Urban. Unpublished status report submitted to the U.S. Fish and Wildlife Service, Atlanta, Georgia. 34 pp.

Author

The primary author of this final rule is Mr. David Densmore, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 (809/851-7297).

List of Subjects in 50 CFR Part 17

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

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: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-150, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order by the name of the family Meliaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

(h) * * *

Species	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Meliaceae—Mahogany family:						
<i>Trichilia triacantha</i>	Bariaco	U.S.A. (PR)				NA

Dated: January 12, 1988.
 Susan Recce,
 Acting Assistant Secretary for Fish and
 Wildlife and Parks.
 [FR Doc. 88-2469 Filed 2-4-88; 8:45 am]
 BILLING CODE 4310-55-M