

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes:							
Sturgeon, white	<i>Acipenser transmontanus</i>	U.S.A. (AK, CA, ID, MT, OR, WA), Canada (BC)	U.S.A. (ID, MT), Canada (BC) (Kootenai R. system).	E		NA	NA

Dated: June 24, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

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50 CFR Part 17

RIN 1018-AB88

Endangered and Threatened Wildlife and Plants; Proposed Delisting of the Hawaiian Plant "Bidens cuneata" (Cuneate Bidens)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to remove a plant, *Bidens cuneata* (cuneate bidens), from the List of Endangered and Threatened Plants. This action is based on a review of all available data, which indicate that this plant is not a discrete taxonomic entity and does not meet the definition of a species as defined by the Endangered Species Act of 1973, as amended (Act), and therefore was listed in error. Extensive studies associated with a recent revision of the Hawaiian members of the genus have concluded that *Bidens cuneata* is an outlying population of *B. molokaiensis*, which is common along the windward cliffs of the island of Molokai.

DATES: Comments from all interested parties must be received by September 7, 1993. Public hearing requests must be received by August 23, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to Robert P. Smith, Field Supervisor, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment,

during normal business hours at the above address.

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

SUPPLEMENTARY INFORMATION:

Background

The type specimen for *Bidens cuneata* was collected on Diamond Head, Oahu, by William A. Bryan on December 6, 1903, and was formally described by Earl E. Sherff in 1920 (Sherff 1920, Takeuchi 1980). Subsequent to its initial discovery, there were no further collections or observations of the species, leading botanists to believe that it possibly could have gone extinct. In 1955, the species was rediscovered in the area from which the type originally was collected (Takeuchi 1980).

Hybrids between Hawaiian *Bidens* species can readily be induced experimentally and result in highly fertile progeny, indicating a general lack of genetic barriers within the group. Based upon experimental crosses in the Hawaiian members of the genus, Gillette and Lim (1970) concluded that *B. cuneata* was a natural hybrid between *B. mauiensis*, native to the island of Maui, and *B. molokaiensis*, which is restricted to Molokai Island; however, few botanists accepted this conclusion. Citing the occurrence of natural and experimental hybrids, Gillette (1975) later contended that the 41 species of Hawaiian *Bidens* placed by Sherff in section *Campylotheca* should be considered a single species. Recent systematic studies of the genus (including additional experimental hybridizations) culminated in a revision of the Hawaiian members of the genus (Ganders and Nagata 1990). In this publication, *B. cuneata* was considered conspecific with *B. molokaiensis*, a common species found along the northern side of Molokai Island. *Bidens molokaiensis* occurs between sea level and 150 meters (500 feet) in elevation

along the seashores, sea cliffs, talus slopes, and fields of northern Molokai from Hoolehua to Kaonihu, a distance of about 37 kilometers (23 miles) or about two-thirds the length of the island.

Summary of Factors Affecting the Species

50 CFR 424.11 requires that certain factors be considered before a species can be listed, reclassified, or delisted. These factors and their application to *Bidens cuneata* Sherff (cuneate bidens) are as follows:

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

Bidens cuneata has been determined to be no more than an outlying population of *Bidens molokaiensis*, a common species native to the northern part of Molokai. *Bidens molokaiensis* is not significantly threatened with destruction, modification, or curtailment of its habitat throughout a significant portion of its range. The final rule designating *Bidens cuneata* as an endangered species was published on February 17, 1984 (49 FR 6099) and identified habitat degradation, possible reduction of reproductive success due to a decline of native pollinating insects, and potential fire hazards as threats contributing to the endangerment of that species. If *Bidens cuneata* were a valid taxon and met the definition of a "species" as described by the Act, then these factors would be relevant. However, since the entity shows no genetic integrity independent of *Bidens molokaiensis*, it cannot be scientifically defended as either a species, subspecies, or taxonomic variety.

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

Such overutilization is not known to be a factor for *Bidens molokaiensis*, which includes *Bidens cuneata*.

C. Disease or Predation

Disease or predation is not a threat to *Bidens molokaiensis*, which includes *Bidens cuneata*.

D. The Inadequacy of Existing Regulatory Mechanisms

Federal listing of a species as endangered or threatened automatically invokes listing under Hawaii State law, which prohibits taking of endangered plants in the state and encourages conservation by State agencies. State regulations prohibit the removal, destruction, or damage of plants found on State lands. This rule, if made final, would automatically remove the protection of the State laws that this population presently enjoys as a federally listed species. It also would require the reevaluation of *Bidens cuneata* in the context of its status in State land use planning documents.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

None known.

The regulations at 50 CFR 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. The Service believes current scientific information exists that demonstrates that *Bidens cuneata* does not represent a valid taxonomic entity and, therefore, does not meet the definition of "species" as defined in section 3(16) of the Act. Therefore, *Bidens cuneata* was listed in error.

Effects of Rule

The proposed action would result in the removal of this species from the List of Endangered and Threatened Plants. Federal agencies would no longer be required to consult with the Secretary of the Interior to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize

the continued existence of *Bidens cuneata*. There is no designated critical habitat for this species. Federal restrictions on taking this species would no longer apply. There are no specific preservation or management programs for the species that would be terminated.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions regarding any aspect of this proposal are hereby solicited from the public, other concerned governmental agencies, the scientific community, industry, or other interested parties.

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

- Ganders, F.R., and K.M. Nagata. 1990. *Bidens*: in Wagner, W.L., D.R. Herbst, and S.H. Sohmer, Manual of the flowering plants of Hawai'i. University of Hawaii Press and Bishop Museum Press, Honolulu. Bishop Mus. Spec. Publ. 83:267-283.
- Gillette, G.W. 1975. The diversity and history of Polynesian *Bidens*, section *Campylothea*. Univ. Hawaii Harold L. Lyon Arbor. Lecture 6:1-32.
- Gillette, G.W., and E.K.S. Lim. 1970. An experimental study of the genus *Bidens* (Asteraceae) in the Hawaiian Islands. Univ. Calif. Publ. Bot. 56:1-63.

- Sherff, E.E. 1920. Studies in the genus *Bidens*. V. Bot. Gaz. 70:89-109.
- Takeuchi, W. 1980. Unpublished status survey of *Bidens cuneata* Sherff. U.S. Fish and Wildlife Service, Honolulu, 29 pp.

Author

The author of this proposed rule is Dr. Derral R. Herbst, U.S. Fish and Wildlife Service, Pacific Islands Office, 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, Transportation.

Proposed Regulation Promulgation

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

PART 17—[AMENDED]

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

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

§ 17.12 [Amended]

2. It is proposed to amend § 17.12(h) by removing the entry "*Bidens cuneata* (cuneate bidens)" under "Asteraceae—Aster family" from the List of Endangered and Threatened Plants.

Dated: June 17, 1993.

Richard N. Smith,
Acting Director, Fish and Wildlife Service.
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