

to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 14, 1995.

Chuck Clarke,

Regional Administrator.

Part 70, chapter I, title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Part 70 is proposed to be amended by revising the Washington paragraph of Appendix A to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Washington

(a) Department of Ecology (Ecology): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(b) Energy Facility Site Evaluation Council (EFSEC): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(c) Benton County Clean Air Authority (BCCAA): submitted on November 1, 1993 and amended on September 29, 1994 and April 12, 1995; effective on December 9, 1994; interim approval expires December 9, 1996.

(d) Northwest Air Pollution Authority (NWAPA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(e) Olympic Air Pollution Control Authority (OAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(f) Puget Sound Air Pollution Control Agency (PSAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(g) Southwest Air Pollution Control Authority (SWAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(h) Spokane County Air Pollution Control Authority (SCAPCA): submitted on

November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(i) Yakima County Clean Air Authority (YCCAA): submitted on November 1, 1993 and amended on September 29, 1994; effective on December 9, 1994; interim approval expires December 9, 1996.

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[FR Doc. 95-23967 Filed 9-27-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD47

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Juglans jamaicensis*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to determine *Juglans jamaicensis* (nogal or West Indian walnut) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. Nogal is known from the islands of Hispaniola, Cuba and Puerto Rico. In Puerto Rico, this large tree is known from only 14 individuals at one locality in Adjuntas. The area is located near the Monte Guilarte Commonwealth Forest but is in private ownership and threatened by land-clearing for agriculture and rural development. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for *Juglans jamaicensis*.

DATES: Comments from all interested parties must be received by November 27, 1995. Public hearing requests must be received by November 13, 1995.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, during normal business hours at this office, and at the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851-7297) or Mr. William C. Hunter at the Southeast Regional Office address (404/679-7130).

SUPPLEMENTARY INFORMATION:

Background

Juglans jamaicensis (nogal or West Indian walnut) was first described as *J. jamaicensis* by DeCandolle from a description and illustration of leaves, staminate catkin and fruit by Descourtilz which had been published under the name of *Juglans fraxinifolia*. DeCandolle mistakenly believed that the tree Descourtilz had illustrated originated in Jamaica, when in reality no walnut tree has ever been located in Jamaica. Synonyms which have been applied to the species include *Juglans fraxinifolia* Descourtilz, *J. cinerea* of Bello, *J. insularis* Griseb., *J. portoricensis* Dode, and *J. domingensis* (Proctor 1992).

Juglans jamaicensis is known from Cuba, Hispaniola and Puerto Rico but little information is currently available on its status in the first two countries (Liogier and Martorell 1982). It has been described by the Center for Plant Conservation (1992) as "not common" and by Proctor (1992) as becoming increasingly rare on these two islands.

Nogal was first collected from Puerto Rico by Augustin Stahl around 1865. This collection was from an area between Peñuelas and Adjuntas at an elevation of approximately 700 meters (2,297 feet). The species was subsequently collected by the German botanist Paul Sintenis in 1886 from somewhere near Adjuntas (Saltillo) and again in 1887 near Utuado (Santa Rosa). An additional collection was made by Bartolomé Barcala in 1915 from an area near Adjuntas (Little *et al.* 1974, Proctor 1992). Little *et al.* (1974) stated that the species might possibly be extinct.

Juglans jamaicensis was not reported again until 1974 when it was rediscovered by Roy O. Woodbury from the upper north slopes (an elevation of 1070 meters (3,510 feet)) of Cerro La Silla de Calderón, an area located near the southwest corner of the municipality of Adjuntas. A survey of these trees was made in 1992 by Salvador Alemañy of the U.S. Forest Service. Fourteen individuals were documented during this survey, the largest of which was more than 20 meters (66 feet) in height. The species has been reported from montane forests at elevations between 700 and 1,000 meters (2,297 and 3,281 feet) (Proctor 1992).

Juglans jamaicensis is a large tree which may reach up to 25 meters (82 feet) in height. Twigs, buds, and leaf-axes have minute rusty hairs. The leaves are alternate and compound and consist of 16 to 20 mostly paired, nearly stalkless leaflets. Leaflets are 5.5 to 9

centimeters (2.2 to 3.5 inches) long and 2.2 to 4 centimeters (0.9 to 1.6 inches) wide, thin and nearly hairless except on the veins beneath. Leaflets are lanceolate, finely toothed, long-pointed and rounded, and unequal at the base. Nogal is monoecious; male and female flowers are borne in different clusters or catkins on the same tree. Staminate or male flowers are numerous and in drooping catkins, 8.8 to 11 centimeters (3.5 to 4.3 inches) long, borne on the twigs of the previous year. Pistillate or female flowers are several along an axis 4.4 to 8.8 centimeters (1.7 to 3.5 inches) long, borne at the ends of the shoots of the season. Individual male flowers are composed of a 6-lobed calyx and many stamens. Female flowers are about 0.5 centimeters (0.2 inches) long, composed of a 4-toothed scale opening at one side and 4 sepals. The fruit, a drupe, is a walnut which is composed of a blackish husk, a brown rough-ridged hard shell from 1.6 to 2.75 centimeters (0.6 to 1.1 inches) wide and one large oily edible seed (Little *et al.* 1974, Proctor 1992).

Juglans jamaicensis may have been more widespread in Puerto Rico in the past, but much of the forested areas in the central mountain region were cut for the planting of coffee. The species, possibly never a common one, may also have been cut for the use of its valuable wood (Little *et al.* 1974). Today it is known from only one locality on privately-owned land where it is threatened by rural development and agricultural activity.

Previous Federal Action

Juglans jamaicensis was included among the plants being considered as endangered or threatened by the Service, as published in the Federal Register notice of review dated February 21, 1990 (55 FR 6184) and September 31, 1993 (58 FR 51144). The species was designated as a category 2 candidate species (species for which the Service has information which indicates that proposing to list the species is possibly appropriate but for which sufficient data are not currently available to support listing) but was subsequently reclassified as a category 1 candidate species (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened). *Juglans jamaicensis* is considered a "critical" plant species by the Natural Heritage Program of the Puerto Rico Department of Natural and Environmental Resources. The Center for Plant Conservation (1992) has assigned the species a Priority Status of A (a species which could possibly go extinct in the wild in the next 5 years).

This proposed rule constitutes the final 1-year finding in accordance with section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4 of the Endangered Species Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Juglans jamaicensis* C. DC. are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Juglans jamaicensis* is known only from Cuba, Hispaniola and Puerto Rico. Available information indicates that it is rare on the first two islands (CPC 1992, Proctor 1992). In Puerto Rico it is known from only one population consisting of 14 individuals on privately-owned land. Surrounding areas are currently planted in coffee. The expansion of the coffee plantation threatens these trees, particularly because the tendency to plant "sun coffee" is increasing and in such plantations all shade trees are eliminated. Located in a rural area, development for housing may threaten the species as well.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The wood of the species is reported to be good quality and highly prized and indeed it is reported to have been cut in the past for such purposes (Little *et al.* 1974).

C. *Disease or predation.* Disease and predation 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 adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Juglans jamaicensis* is not yet on the Commonwealth list. Federal listing would provide immediate protection and, if this species is ultimately placed on the Commonwealth list, enhance its protection and the likelihood for funding needed research.

E. *Other natural or manmade factors affecting its continued existence.* One of the most important factors affecting the continued survival of this species is its limited distribution. Because so few individuals are known to occur in a limited area, the risk of extinction is extremely high. Catastrophic natural

events, similar to the passing of Hurricane Hugo in 1989, may dramatically affect forest species composition and structure, felling large trees and creating numerous canopy gaps.

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, the preferred action is to list *Juglans jamaicensis* as endangered. The species is known from only one locality in Puerto Rico. Deforestation for rural and agricultural development are imminent threats to the survival of the species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for these species are discussed below in the "Critical Habitat" section of this rule.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Juglans jamaicensis*. Service regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

The number of individuals of *Juglans jamaicensis* is small and vandalism and

collection could seriously affect the survival of the species. The wood of the species has been described as "highly prized" and cutting for timber has been identified as a factor affecting the species in the past. 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 these plants occur can be identified without the designation of critical habitat. All involved parties and 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. The precarious status of *Juglans jamaicensis* necessitates identical thresholds for determining adverse modification of critical habitat and jeopardizing the continued existence of the species. Therefore, no benefit from designating critical habitat would occur for this species.

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. 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, required 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)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, 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 proposed for this species, as discussed above. Federal involvement may be through the use of Federal funding for rural housing and development (for example, the Farmer's Home Administration or Housing and Urban Development) or Federal activities or authorizations (for example, U.S. Forest Service forest management practices on private lands).

The Act and its implementing regulations set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All 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 and reduce to possession the species from areas under Federal jurisdiction. In addition, for plants listed as endangered plants, the Act prohibits the malicious damage or destruction on areas under Federal jurisdiction and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Certain exceptions to the prohibitions 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 for this species will ever be sought or issued, since the species is not known to be in cultivation and are uncommon in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345 (404/679-7110).

It is the policy of the Service, published in the Federal Register on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable those activities that would or would not constitute a violation of section 9 of the

Act at the time of listing. The intent of this policy is to increase public awareness of the effect of listing on proposed or ongoing activities. The only known population of *Juglans jamaicensis* is located on privately-owned land. Since there is no Federal ownership, and the species is not currently in trade, the only potential section 9 involvement would relate to removing or damaging the plant in knowing violation of Commonwealth law, or in knowing violation of Commonwealth criminal trespass law. Section 15.01(b) of the Commonwealth "Regulation to Govern the Management of Threatened and Endangered Species in the Commonwealth of Puerto Rico" states: "It is illegal to take, cut, mutilate, uproot, burn or excavate any endangered plant species or part thereof within the jurisdiction of the Commonwealth of Puerto Rico." The Service is not aware of otherwise lawful activities being conducted or proposed by the public that will be affected by this listing and result in a violation of section 9.

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Caribbean Field Office (see ADDRESSES section). Requests for copies of the regulations on listed species and inquiries regarding prohibitions and permits should be addressed to the U.S. Fish and Wildlife Service, Ecological Services (TE), 1875 Century Boulevard, Atlanta, Georgia 30345-3301 (404/679-7096).

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 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 *Juglans jamaicensis*;

(2) The location of any additional populations of this species, and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

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

(4) Current or planned activities in the subject areas and their possible impacts on this species.

Final promulgation of the regulation on *Juglans jamaicensis* 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 one or more public hearings on this proposal, if requested. Requests must be filed within 45 days of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

National Environmental Policy Act

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

- Center for Plant Conservation. 1992. Report on the Rare Plants of Puerto Rico. Missouri Botanical Garden, St. Louis, Missouri.
- Little, E.L. Jr, R.O. Woodbury, and F.H. Wadsworth. 1974. Trees of Puerto Rico and the Virgin Islands, Volume II. Agriculture Handbook No. 449. U.S. Department of Agriculture, Forest Service. Washington, DC. 1024 pp.
- Liogier, H.L., and L.F. Martorell. 1982. Flora of Puerto Rico and Adjacent Islands: a systematic synopsis. Editorial de la Universidad de Puerto Rico, Río Piedras, Puerto Rico. 342 pp.
- Proctor, G. R. 1992. Status report on *Juglans jamaicensis* C. DC. Unpublished report submitted to the U.S. Fish and Wildlife Service. 7 pp.

Author

The primary author of this proposed rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes 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.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under FLOWERING PLANTS to the list of Endangered and Threatened Plants:

§ 17.12 Endangered and Threatened Plants.

* * * * *

(h) * * *

Species		Historic range	Family name	Status	When listed	Critical habi- tat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*	*		*
<i>Juglans jamaicensis</i>	Nogal or West Indian walnut.	U.S.A. (PR), Hispaniola.	Juglandaceae	E		NA	NA
*	*	*	*	*	*		*

Dated: September 6, 1995.
John G. Rogers,
Acting Director, Fish and Wildlife Service.
[FR Doc. 95–24013 Filed 9–27–95; 8:45 am]
BILLING CODE 4310–55–P

50 CFR Part 17

RIN 1018–AD48

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant *Cordia Bellonis*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to determine *Cordia bellonis* (no common name) to be endangered pursuant to the Endangered Species Act (Act) of 1973, as amended. This shrub is endemic to Puerto Rico and restricted to three public forests: Maricao, Susúa, and Río Abajo. The

species is threatened by habitat loss, some forest management practices, and restricted distribution. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for *Cordia bellonis*.

DATES: Comments from all interested parties must be received by November 27, 1995. Public hearing requests must be received by November 13, 1995.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, at this office during normal business hours, and at the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345.

FOR FURTHER INFORMATION CONTACT: Ms. Marelisa Rivera at the Caribbean Field

Office address (809/851–7297) or Mr. William C. Hunter at the Atlanta Regional Office address (404/679–7130).

SUPPLEMENTARY INFORMATION:

Background

Cordia bellonis was described by Urban in 1899 from specimens collected by Paul Sintenis at “Monte Alegriello” in the municipality of Maricao, Puerto Rico (Urban 1899). The name of “Monte Alegriello” has disappeared from use, but according to Proctor (1991), N.L. Britton referred to “Monte Alegriello” as the peak at the extreme head of the Río Maricao, with an elevation of 900 meters (2,953 feet). This type location was developed for the installation of telecommunication towers. Paul Sintenis collected *Cordia bellonis* in the area known as Indiera Fría. The species was also collected by Britton and Brown in 1915 from Monte Cerrote near Adjuntas (Proctor 1991). Britton and Wilson (1925) described the species as