with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. No tribal lands occur in Puerto Rico or the United States Virgin Islands.

References Cited

A complete list of references cited in this rulemaking is available on the Internet at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2013–0103 and upon request from the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are the staff members of the Caribbean Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.12(h) by adding entries for ''*Agave eggersiana*'', ''*Gonocalyx concolor*'', and ''*Varronia rupicola*'' in alphabetical order under FLOWERING PLANTS to the List of Endangered and Threatened Plants, to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*	*		*
Agave eggersiana	No common name ..	St. Croix, USVI	Agavaceae	E	848	17.96(a)	NA
*	*	*	*	*	*		*
Gonocalyx concolor	No common name ..	Puerto Rico	Ericaceae	E	848	17.96(a)	NA
*	*	*	*	*	*		*
Varronia rupicola	No common name ..	Puerto Rico	Boraginaceae	T	848	17.96(a)	NA
*	*	*	*	*	*		*

* * * * *

Dated: August 26, 2014.

Rowan W. Gould,

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

[FR Doc. 2014–21231 Filed 9–8–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2013–0040;4500030114]

RIN 1018–AZ79

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Agave eggersiana, Gonocalyx concolor, and Varronia rupicola

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat for three Caribbean plants, *Agave eggersiana* (no common name), *Gonocalyx concolor* (no common name), and *Varronia rupicola* (no common name), under the Endangered Species Act of 1973, as amended (Act). In total, we are designating approximately 50.6 acres (20.5 hectares) of critical habitat for *A. eggersiana* in St. Croix, U.S. Virgin Islands (USVI), 198 ac (80.1 ha) for *G. concolor* in Puerto Rico, and 6,547 ac (2,648 ha) for *V. rupicola* in southern Puerto Rico and Vieques Island. The effect of this regulation is to conserve habitat for these plants under the Act.

DATES: This rule is effective October 9, 2014.

ADDRESSES: This final rule is available on the Internet at *http://www.regulations.gov* and at the Caribbean Ecological Services Field Office. Comments and materials we received, as well as some supporting

documentation we used in preparing this rule, are available for public inspection at *http://www.regulations.gov.* All of the comments, materials, and documentation that we considered in this rulemaking are available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, P.O. Box 491, Road 301 Km. 5.1, Boquerón, PR 00622; telephone (787) 851–7297; facsimile (787) 851–7440.

The coordinates or plot points or both from which the maps are generated are included in the administrative record for this critical habitat designation and are available at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0040, and at the Caribbean Ecological Services Field Office or at *http://www.fws.gov/caribbean* (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we developed for this critical habitat designation will also be available at the Fish and Wildlife Service Web site and Field Office set out above, and may also be included in the preamble and at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Marelisa Rivera, Deputy Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, (see **ADDRESSES**). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, when we determine that a species is endangered or threatened, we must designate critical habitat to the maximum extent prudent and determinable. Designations of critical habitat can only be completed by issuing a rule.

This rule consists of: A final rule for designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.* We are designating:

- Approximately 50.6 acres (20.5 hectares) of critical habitat for *A. eggersiana* on six units in St. Croix, U.S. Virgin Islands (USVI).
- Approximately 198 ac (80.1 ha) for *G. concolor* on two units in Puerto Rico.
- Approximately 6,547 ac (2,648 ha) for *V. rupicola* on seven units in southern Puerto Rico and Vieques Island.

The final rule listing *Agave eggersiana* and *Gonocalyx concolor* as endangered species, and *Varronia rupicola* as a threatened species, is published elsewhere in today's **Federal Register**.

We have prepared an economic analysis of the designation of critical habitat. We have prepared an analysis of the economic impacts of the critical habitat designations and related factors. We announced the availability of the draft economic analysis (DEA) in the **Federal Register** on May 21, 2014 (79 FR 29150), allowing the public to provide comments on our analysis. We have analyzed the comments. We have completed a final economic analysis (FEA) concurrently with this final determination.

Peer review and public comment. We sought comments from nine independent specialists to review our technical assumptions and analysis, and whether or not we used the best information, to ensure that this designation of critical habitat is based on scientifically sound data and analyses. We obtained opinions from one of those individuals. This peer reviewer generally concurred with our methods and conclusions. We also considered all comments and information we received from the public during the comment period.

Previous Federal Actions

Please refer to the proposed listing rule for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* published on October 22, 2013 (78 FR 62560) for a detailed description of previous Federal actions concerning these species.

Summary of Comments and Recommendations

We requested written comments from the public on the proposed designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* during two comment periods. The first comment period opened with the publication of the proposed rule (78 FR 62529) on October 22, 2013, and closed on December 23, 2013. We also requested comments on the proposed critical habitat designation and DEA during a comment period that opened May 21, 2014, and closed on June 20, 2014 (79 FR 29150). We also contacted appropriate Federal, State, and local agencies; scientific organizations; and other interested parties and invited them to comment on the proposed rule and draft economic analysis during these comment periods.

During the first comment period, we received two comment letters addressing the proposed critical habitat designation. During the second comment period, we did not receive any comment letters addressing the proposed critical habitat designation or the draft economic analysis. We did not receive any requests for a public hearing during either comment period. All substantive information provided during comment periods has either been incorporated directly into this final determination or is addressed below.

Peer Review

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinions from nine knowledgeable individuals with scientific expertise that included familiarity with the species, the geographic region in which the species occurs, and conservation biology principles. We received a response from one of the peer reviewers. Although the peer reviewer was supportive of the proposed critical habitat designation, he did not provide any additional information, clarifications, or suggestions to improve this final critical habitat rule.

Public Comments

During the public comment periods, we received one comment letter addressing the proposed critical habitat. The information in the letter was positive and in support of the proposed designation.

The commenter did state that critical habitat must buffer the species from climate change; the designation should not protect only occupied areas. We did not have specific information on potential climate-change-related, on-the-ground effects in these areas or on these plants, nor did we receive any information as a result of our request for such information in the proposed rule. However, based on the best available scientific and commercial information, we believe that the designation is sufficient to provide for the recovery of the species. In addition, according to our evaluation of the area, we included unoccupied areas for *Agave eggersiana* and *Varronia rupicola* that we determined to be essential for the conservation of the species (see *Criteria Used to Identify Critical Habitat,* below).

Summary of Changes From Proposed Rule

Information we received during the comment periods did not result in any substantive changes to this final rule.

Critical Habitat

Background

Critical habitat is defined in section 3 of the Act (16 U.S.C. 1531 et seq.) as:

(1) The specific areas within the geographical area occupied by the

species, at the time it is listed in accordance with the Act, on which are found those physical or biological features.

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features within an area, we focus on the principal biological or physical constituent elements (primary constituent elements such as roost sites, nesting grounds, seasonal wetlands, water quality, tide, soil type) that are essential to the conservation of the species. Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential to the conservation of the species and may be included in the critical habitat designation. We designate critical habitat in areas outside the geographical area occupied by a species only when a designation limited to its range would be inadequate to ensure the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific and commercial data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information developed during the listing process for the species. Additional information sources may include the recovery plan for the species, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, biological assessments, other unpublished materials, or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act, (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to insure their actions are not likely to jeopardize the continued existence of any endangered or threatened species, and (3) section 9 of the Act's prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

Physical or Biological Features

In accordance with section 3(5)(A)(i) and 4(b)(1)(A) of the Act and regulations at 50 CFR 424.12, in determining which areas within the geographical area occupied by the species at the time of listing to designate as critical habitat, we consider the physical or biological features essential to the conservation of the species and which may require special management considerations or

protection. These include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing (or development) of offspring; and

(5) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

We derive the specific physical or biological features essential for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* from studies of these species' habitat, ecology, and life history as described in the Critical Habitat section of the proposed rule to designate critical habitat published in the **Federal Register** on October 22, 2013 (78 FR 62529), and in the information presented below. Unfortunately, little is known of the specific habitat requirements for the three Caribbean plants. To identify the physical and biological needs of the species, we have relied on current conditions at locations where the three species exist and the limited information available for these species. Additional information can be found in the final listing rule published in elsewhere in today's **Federal Register**. We have determined that the following physical or biological features are essential for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.*

Space for Individual and Population Growth and for Normal Behavior

Agave eggersiana

Agave eggersiana is endemic to the island of St. Croix, USVI. The species is found growing in the subtropical dry forest zone, which covers about 72 percent of the surface of St. Croix. The variables used to delineate any given life zone are defined by mean annual precipitation and mean annual bio-temperature (Ewel and Whitmore 1973, p. 2), and are characterized by an association of animals and plants (Mac *et al.* 1998, p. 317). Subtropical dry forests are lowland semi-deciduous and lowland drought deciduous forest. The vegetation in this life zone usually consists of a nearly continuous, single-layered canopy, with little ground cover. Tree heights usually do not exceed 49 feet (ft) (15 meters (m)), and crowns are typically broad, spreading, and flattened (Ewel and Whitmore 1973, p. 10).

Dry forest structure is greatly influenced by wind, salt spray, and the presence of fresh water. Some of the native tree species that are common in subtropical dry forest in the USVI are *Bursera simaruba* (L.) Sarg. (gumbo limbo), *Amyris elemifera* L. (torch wood), *Capparis cynophallophora* L. (Jamaican caper), *Cordia ricksecker*i Millsp. (black manjack), *Pisonia subcordata* Sw. (water mampoo), *Plumeria alba* L. (white frangipani), and *Pictetia aculeata* (Vahl) Urban (fustic) (Brandeis and Oswalt, 2007, p. 13; Ewel and Whitmore 1973, p. 16; Chakroff 2010, p. 8).

Plant communities where *Agave eggersiana* occurs are coastal cliffs with sparse or no vegetation and coastal shrubland areas. The plant community in these areas is predominately native vegetation and no competitive, nonnative, invasive plant species or such species in quantities low enough to have minimal effects on the survival of *A. eggersiana.* These communities and their associated native plant species are provided in the Status Assessment for *A. eggersiana* (see *Habitat* section of our proposed listing rule published on October 22, 2013 (78 FR 62560)).

Therefore, based on the above information, we identify the vegetation composition areas (e.g., dry coastal cliffs and dry shrubland) as an essential physical or biological feature for this species.

Gonocalyx concolor

Gonocalyx concolor is a Puerto Rican endemic plant species that has been found growing only in the elfin and ausubo (*Manilkara bidentata*) forests within the Carite Commonwealth Forest, which lies within the municipalities of Cayey, Patillas, and San Lorenzo in east-central Puerto Rico. Zonation of forests within montane habitats on tropical islands is condensed into a narrow altitudinal range (Weaver *et al.* 1986, p. 79). Both the elfin and ausubo forests are within the subtropical lower montane very wet forest life zone and have similar climate conditions (Ewel and Whitmore 1973, p. 32).

The elfin forest is found on exposed peaks and ridges of Cerro La Santa, above 2,900 ft (880 m) in elevation from sea level, occupying approximately 24.9 acres (ac) (10.1 hectares (ha)) in the Carite Commonwealth Forest (Silander *et al.* 1986, p. 178). The elfin forest vegetation is characterized by gnarled trees less than 7 meters tall, high basal area, small diameters, a large number of stems per unit area, and extremely slow growth rates (Ewel and Whitmore 1973, p. 45). The vegetation is commonly saturated with moisture, frequently enveloped in clouds, and both aerial and superficial roots are common (Weaver *et al.*1986, p. 79). The plant association in this area is generally comprised by few species of native trees and native ferns, and is dense with epiphytes, including bromeliads and mosses (Weaver *et al.* 1986, p. 79). The native tree composition includes: *Tabebuia schumanniana* (roble colorado), *Tabebuia rigida* (roble de sierra), *Ocotea spathulata* (nemoca cimarrona), *Eugenia borinquensis* (guayabota), *Clusia minor* (cupey de monte), and *Prestoea acuminata* var. *montana* (sierra palm) (Weaver *et al.* 1986, p. 80; Silander *et al.* 1986, p. 191). Additionally, some areas were planted with *Eucalyptus robusta* (O. Monsegur, UPRM, unpublished data, 2006).

The ausubo forest is only found along the Rio Grande de Patillas River basin and intermittent streams between 2,000 ft (620 m) and 2,300 ft (720 m) of elevation (DNR 1976, p. 169), occupying approximately 179.2 ac (72.5 ha) in the Charco Azul area within the Carite Commonwealth Forest (Silander *et al.* 1986, p.190). The ausubo forest is characterized by evergreen vegetation, high species richness, rapid growth rate of successional trees, epiphytic ferns, bromeliads, and orchids (Ewel and Whitmore 1973, p. 32). The vegetation in this area is generally comprised of native trees (i.e., *Manilkara bidentata* (ausubo), *Dacryodes excelsa* (tabonuco), *Guarea guidonia* (guaraguao), and *Cyrilla racemiflora* (swamp titi)) (Francis and Lowe 2000, p. 345; DNER 2008, p. 2).

Gonocalyx concolor has been found growing on the canopy of the tallest tree areas, growing on tree trunks (epiphytic), clambering (using other vegetation as support), and lying on the litter in the forest floor (C. Pacheco and O. Monsegur, Service, unpublished report, 2013, p. 3). The life history of this species has not been studied; however, it seems that the elfin and the ausubo forests provide space for individuals and population growth of *G. concolor.* Furthermore, the climate in these forests appears to support the normal behavior, growth, and viability of *G. concolor* during most of its life stages, suggesting the species may be a dwell obligate of these types of habitat, as it has not been found elsewhere. Changes in temperature, humidity, and solar insolation result in changes in habitat condition and vegetation composition, with serious effects on *G. concolor* (see the Summary of Factors Affecting the Species section of our final listing rule, which is published elsewhere in today's **Federal Register**).

Therefore, based on the above information, we identify the vegetation composition found in the elfin and the ausubo forests as an essential physical or biological feature for this species.

Varronia rupicola

Varronia rupicola is a Puerto Rican bank (biogeographical area) endemic that grows within the subtropical dry forest life zone overlying a limestone substrate (Ewel and Whitmore 1973, p. 72). The Puerto Rican bank is a geographical unit that includes the main island of Puerto Rico, Vieques, Culebra, the USVI (excluding St. Croix), and the Island of Anegada. In Puerto Rico, this life zone is mainly located on the south coast extending 74 miles (mi) (120 kilometers (km)) from the Municipality of Cabo Rojo to the Municipality of Guayama, and to the eastern of Puerto Rico, including the Island of Vieques (Ewel and Whitmore 1973, p. 72; Murphy and Lugo 1986, p. 89).

The species has been recorded in forested hills with open to relatively dense scrub and shrub lands 6.5 to 9.8 ft (2 to 3 m) in height; in low forest with canopy from 8 to 15 ft (3 to 5 m) high; and at the edge of a dense, low, coastal shrubland and forest. *Varronia rupicola* is associated with dry forest native vegetation dominated by *Gymnanthes lucida* (shiny oysterwood, or yaití), *Exostema caribaeum* (princewood, or albarillo), *Pisonia albida* (corcho), *Pictetia aculeata* (fustic, or tachuelo), *Thouinia portoricensis* (ceboruquillo, or serrazuela), *Coccoloba krugii* (whitewood), *Pilosocereus royenii* (Royen's tree cactus, or sebucán), *Bursera simaruba* (gumbo limbo, or almacigo), *Erithalis fruticosa* (black torch), *Guettarda krugii* (frogwood, or cucubano), *Tabebuia heterophylla* (pink trumpet tree, or roble), *Hypelate trifoliata* (inkwood), *Coccoloba diversifolia* (pigeonplum, or uvilla), *Cassine xylocarpa* (marbletree, or coscorrón), *Krugiodendron ferreum* (black ironwood, or palo de hierro), *Jacquinia berterii* (barkwood), *Bourreria succulenta* (strongbark, or palo de vaca), *Crossopetalum rhacoma* (maidenberry, or pico de paloma), *Antirhea acutata* (placa chiquitu, or quina), and *Amyris elemifera* (torchwood).

In the island of Anegada (British Virgin Islands), *Varronia rupicola* was found in open limestone pavement and sand dunes. During a recent study in this island, the species was found in higher abundance (based on percentage occurrence across plots) on limestone, but also widespread within the sand dunes (Clubbe *et al.* 2004, p. 344).

Therefore, based on the above information, we identify remnants of scrubland and shrubland forest that occurs within the subtropical dry forest life zone overlying limestone substrate as an essential physical or biological feature for this species.

Food, Water, Air, Light, Minerals, or Other Nutritional or Physiological Requirements

Agave eggersiana

The island of St. Croix, USVI, is located in the Caribbean, where the warm sea stabilizes air temperatures and diurnal temperature changes approximate annual fluctuations. The mean annual temperature of the region at sea level is lower than 75 degrees Fahrenheit (°F) (24 degrees Celsius (°C)). This subtropical climate results from the location of St. Croix at the lower limit of the tropical region (Ewel and Whitmore 1973 p. 8; Mac *et al.* 1998, p. 315).

The island of St. Croix has easterly trade winds of 15 miles per hour (24 kilometers per hour) or more, which keep the humidity relatively low (Chakroff 2010, p. 7). This island is much drier than most of the Greater Antilles, averaging 40 inches (in) (102 centimeters (cm)) of rain in the west, and about 30 in (76 cm) in the east. Rain usually comes in the form of brief tropical showers. The wettest and hottest months are July to October. Hurricane season falls within these same months, with September being the most active for tropical storms. The USVI have been hit by four major hurricanes in recent years: Hugo (1989), Luis and Marilyn (1995), Lenny (1999), and Omar (2008) (Mac *et al.* 1998, p. 316; Chakroff 2010, p. 7; *http://www.srh.noaa.gov/sju/?n=mean_annual_precipitation2*). The average mid-island temperature is 78.8 °F (26 °C), with a variation of only 5 to 9 °F (3 to 5 °C) between the warmest and coolest months (Mac *et al.* 1998, p. 316). This type of climate regime regulates the dry forest structure conditions necessary for the establishment of the species.

Soil substrates supporting *Agave eggersiana* for anchoring or nutrient absorption vary depending on the habitat and location. The natural populations of *A. eggersiana* grow on top of various soil classifications. Cramer, Glynn, Hasselberg, Southgate, and Victory series are among the ones where the species can be found. The general description of the soils mentioned above are provided in the Status Assessment for *A. eggersiana* (see *Habitat* section of our proposed listing rule published on October 22, 2013 (78 FR 62560)). The soils are all well-drained, and although there are rainy months, the ground does not retain excess water and change the vegetation of the dry forest structure.

Therefore, based on the information above, we identify the dry climate regime that regulates the dry forest structure and the well-drained soils of Cramer, Glynn, Hasselberg, Southgate, and Victory series to be physical or biological features for this species.

Gonocalyx concolor

The variables used to delineate any given life zone are mean annual precipitation and mean annual temperature. The life zones and associations of which they are comprised only define the potential vegetation or range of vegetation types that might be found in an area (Ewel and Whitmore 1973, p. 5). The mean annual precipitation at the Carite Commonwealth Forest is 88.7 in (225.3 cm), with February to April the drier months (NOAA 2013, *http://www.srh.noaa.gov/sju/?n=climo_cayey*). The mean temperature is 72.3 °F (22.7 °C), varying from 68 °F (20 °C) in January to 73 °F (24 °C) in July (Silander *et al.* 1986, p.183).

The Carite Commonwealth Forest is underlain by volcanic-sedimentary rock (DNR 1976, p. 168). The forest topography is rough and highly dissected by intermittent streams, with steep slopes ranging from 20 to 60 percent. The forest's soil is primarily comprised by Los Guineos complex (Silander *et al.* 1986, p. 179). Los Guineos soils were formed from residuum gathering from sandstone parental material and consist of very deep, acidic, clayey, well-drained soils on side slopes of mountains (NRCS 2013, p. 11). This type of soil occupies more than 80 percent (5,860.1 ac (2,371.5 ha)) of the Carite Commonwealth Forest, at elevations from 1,900 ft (580 m) to 3,000 ft (900 m) from sea level (Silander *et al.* 1986, p. 179).

Therefore, based on the information above, we identify mean annual precipitation of 88.7 in (225.3 cm), mean annual temperature of 72.3 °F (22.7 °C), and Los Guineos type of soil (i.e., very deep, acidic, clayey, well-drained soils on side slopes of mountains) to be physical or biological features for this species.

Varronia rupicola

Like *Agave eggersiana, Varronia rupicola* occurs within the subtropical dry forest life zone (*sensu* Holdridge 1967). Moisture availability as a function of shallow soils plus low rainfall and its seasonality determines the forest productivity, growth

characteristics, water loss, and physiognomy in subtropical dry forest life zones where temperature tends to be constant throughout the year (Lugo *et al.* 1978, p. 278). Average rainfall for the Guánica Forest (important area for the species in Puerto Rico) is 860 mm (Lugo *et al.* 1996, p. 2).

The majority of the suitable habitat and known populations of *Varronia rupicola* in Puerto Rico lie within the Ponce limestone formation, a Mid-Tertiary pink to white, fine-grain limestone (Lugo *et al.* 1996, p. 2). In Puerto Rico, this formation extends from the western end of the Guánica Commonwealth Forest, east toward the Municipality of Ponce (El Tuque). The soils at the Guánica Forest are described as shallow, alkaline, and derived from limestone rock (Molina and Lugo 2006, p. 355). According to Murphy and Lugo (1986, p. 56), these soils are nutrient-rich, but only a small fraction of the total phosphate and potassium is readily available. These soil factors increase the effects of low rainfall and its seasonality on the vegetation.

Therefore, based on the information above, we identify shallow and alkaline soils derived from limestone rock and an average rainfall of 34 in (86 cm) to be physical or biological features for this species.

Cover or Shelter

Agave eggersiana

Agave eggersiana occurs in open canopy and open understory habitats and thrives in areas of full sun exposure (O. Monsegur and M. Vargas, Service, pers. obs. 2010 and 2013). The coastal shrublands typically show a low canopy, ranging from 3.2 to 16.4 ft (1 to 5 m) (Moser *et al.* 2010, Appendix A, p. 8–11; O. Monsegur and M. Vargas, Service, pers. obs. 2013). In areas where native species remains dominant and nonnatives have not occupied the understory, these coastal shrublands provide suitable habitat for the natural recruitment of *A. eggersiana.* In addition, the bare rock of coastal cliffs seems to provide an ecological niche for *A. eggersiana.* Once the species gets established on cliff areas, it may become dominant as observed on the South Shore (Cane Garden) population. Therefore, based on the information above, we identify open cover habitats (e.g., open canopy or open understory) to be a physical or biological feature for this species.

Gonocalyx concolor

Very little is known about habitat parameters specifically relating to cover or shelter for *Gonocalyx concolor.* In remnants and late successional vegetation of elfin forest, the species is normally found growing as epiphytic and clambering on dead and live stand trees, and crawling over the forest floor (C. Pacheco and O. Monsegur, Service, unpublished data, 2013). In the ausubo forest, this species has been described growing only as epiphytic and clambering on dead and live stand trees (O. Monsegur, unpublished data, 2006). Both types of forest show a single canopy layer that seldom exceeds 22 ft (7 m) in height. Therefore, based on the information above, we identify the remnants and late successional vegetation of elfin and ausubo forests with a single canopy layer of about 22 ft (7 m) in height to be physical or biological features for this species.

Varronia rupicola

This species has been recorded in forested hills with open to relatively dense shrublands ranging between 6.5 to 9.8 ft (2 to 3 m) in height; in low forest with canopy from 8 to 15 ft (3 to 5 m) high; and at the edge of a dense, low, coastal shrubland and forest. On the island of Anegada, the species is located on open limestone pavement and sand dunes. Despite the species' preference for gaps, it remains associated to remnants of native forest.

In a recent study at Anegada, *Varronia rupicola* was found in higher abundance (based on percentage occurrence across plots) on limestone, but also widespread within the sand dunes (Clubbe *et al.* 2004, p. 344). This kind of forest structure provides protection against environmental variation and stochastic events, allowing the species to recover without compromising population numbers. The species is associated to remnants of native dry forest vegetation. At the Guánica Commonwealth Forest, the most abundant species are *Gymnanthes lucida, Exostema caribaeum, Pisonia albida, Pictetia aculeata, Thouinia portoricensis, Coccoloba krugii,* and *Pilosocereus royenii* (Murphy and Lugo 1986, p. 91). These species account for 50 percent of the importance value (abundance) within the forest and characterize the Deciduous Forest and Scrub Forest vegetation described by Murphy *et al.* (1995, p. 187). Other dominant species within the *V. rupicola* habitat include *Bursera simaruba, Erithalis fruticosa, Guettarda krugii, Tabebuia heterophylla, Hypelate trifoliata, Coccoloba diversifolia, Cassine xylocarpa, Krugiodendron ferreum, Jacquinia berterii, Bourreria succulenta, Crossopetalum rhacoma, Antirhea acutata,* and *Amyris elemifera* (Murphy and Lugo 1986, p. 91). The species is also associated with a shrub layer dominated by *Croton humilis, Eupatorium sinuatum, Lantana reticulata,* and *Turnera diffusa.*

Therefore, based on the information above, we identify forested hills with open to relatively dense shrubland forest dominated by native species to be physical or biological features for this species.

Sites for Breeding, Reproduction, or Rearing (or Development) of Offspring

Agave eggersiana

Agave eggersiana dies after producing flowers (monocarpic life cycle) and produces a large flowering scape (massive inflorescence; a group or cluster of flowers arranged on a stem that is composed of a main branch or a complicated arrangement of branches) (Rogers 2000, p. 218). After flowering, the panicles (inflorescence) produce numerous small vegetative bulbs (bulbils) (Proctor and Acevedo-Rodríguez 2005, p. 118). The small vegetative bulbils will fall near the parental agave and attach to the ground on the coastal cliffs and dry coastal shrubland. Coastal cliffs, which include bare rock or sparse native vegetation, create an environment where the canopy is less than 1 meter in height, and allow the bulbils to compete for ground area. The dry coastal shrubland includes dry forest structures where the open canopy and open understory habitat also allows the bulbils to compete for ground area. These open canopy or open understory structures allow *A. eggersiana* good sun exposure where the species seems to thrive (for further discussion of these communities and their associated native plant species, see the Status Assessment for *A. eggersiana* in the *Habitat* section of our proposed listing rule, published on October 22, 2013 (78 FR 62560)). Therefore, based on the information above, we identify the vegetation communities in the coastal cliffs and dry coastal shrublands where *A. eggersiana* occurs to be a physical or biological feature for this species.

Gonocalyx concolor

The reproductive biology and ecology of *Gonocalyx concolor* have not been studied. We have no information available beyond the habitat where the species is found and its behavior in that habitat. However, as indicated above, it seems that the conditions of the elfin and ausubo forests support the normal behavior, growth, and viability of *G. concolor* during most of its life stages. Therefore, based on the information above, we identify the elfin and ausubo

forests to be physical or biological features for this species.

Varronia rupicola

Varronia rupicola has been reported flowering and fruiting in December to January (Breckon and Kolterman 1996, p. 4), and in June-July (Monsegur and Breckon 2007, p. 1). Fruit production in the wild at the Guánica Commonwealth Forest and in the Municipality of Ponce seem to be high, and there is evidence of recruitment associated to the majority of the clusters of individuals (Monsegur, USFWS, pers. obs. 2013). Under greenhouse conditions, seed germination has been reported at no less than 67 percent (Wenger *et al.* 2010, p. 23). Germination in the wild has also been observed to be high, particularly on shrubs growing exposed to sunlight. However, there seems to be a high mortality (natural thinning) of seedlings, and only a few individuals make the transition to sapling stages (O. Monsegur, Service, pers. obs. 2013). Furthermore, despite the showy red fruits of *V. rupicola,* its dispersion seems to be limited by gravity, as the majority of the seedlings lie under the parent tree or downslope. The wide range of the species suggests a former animal disperser, probably a bird.

Material germinated in the Service greenhouse at Cabo Rojo National Wildlife Refuge flowered and produced fruits about 1 year after planted (O. Monsegur, Service, pers. obs. 2013). The rapid development of the species as reproductive individuals, and the finding of individuals along recently disturbed sites (i.e., new dirt roads) and natural forest gaps, may indicate that *Varronia rupicola* is an early colonizer (pioneer) species of dry coastal forest. The above information highlights the importance of open to relatively low dense shrubland forest (scrub forest and deciduous forest or shrubland) dominated by native species for the self-recruitment of the species and sustainability of the natural populations. As previously mentioned, moisture availability as a function of shallow soils, plus low rainfall and its seasonality, are the factors suggested as determining forest productivity, growth characteristics, water loss, and physiognomy. The diversity within the dry coastal native forest of Puerto Rico is explained by the wide diversity of habitats produced by the proximity of the limestone basement to the surface and the subsequent variation in soil depth. These unique native forests provide the adequate and stable environmental conditions for the reproduction and natural recruitment of the species.

Therefore, based on the information above, we identify open to relatively dense shrubland forest (scrub forest and deciduous forest or shrubland) dominated by native species to be a physical or biological feature for this species.

Habitats Protected From Disturbance or Representative of the Historical, Geographic, and Ecological Distributions of the Species

Agave eggersiana

There are reports from Britton and Wilson (1923, p. 156) that *Agave eggersiana* occurred in the eastern dry areas in St. Croix. This area harbors dry forest conditions and native vegetation that provide suitable habitat for *A. eggersiana.* Most of that eastern end is currently owned and managed for conservation by the USVI Government and The Nature Conservancy. The upper slopes and steep areas of eastern St. Croix provide essential dry forest habitat conditions for the reintroduction and the recovery of the species. These forest harbors xeric native vegetation and forest structure that provides shelter, space for growing and breeding, and food and water resources necessary for the species. However, we do not have current evidence that *A. eggersiana* occurs in this area.

Since 2007, *Agave eggersiana* has been introduced within U.S. National Park Service (NPS) properties (i.e., Salt River National Park and Ecological Preserve, and Buck Island Reef Monument) that are outside the known historical range of the species. In addition, there is an intra-agency agreement under the Service's Coastal Program to restore habitat in the area and plant native flora in Salt River National Park and Ecological Preserve. *A. eggerisana* is one of the plants used as part of the native plant restoration agreement.

Therefore, based on the information above, we identify the dry forest conditions in the eastern side of St. Croix to be part of the physical or biological features for this species.

Gonocalyx concolor

The elfin and the ausubo forest where *Gonocalyx concolor* currently exists are owned by the Commonwealth of Puerto Rico. This land has been managed for conservation by the Puerto Rico Department of Natural and Environmental Resources (DNER) since 1975 (back then, Department of Natural Resources; DNR 1976, p. 169). Before 1975, the elfin forest area in Cerro La Santa (Carite Commonwealth Forest) was managed by the Commonwealth of Puerto Rico as a preferred site for the installation of telecommunication tower facilities for television and radio, and for military and governmental purposes. These types of activities may have caused disturbance to the habitat of *G. concolor,* because Cerro La Santa is one of the two known locations of the species. Although the Carite Commonwealth Forest is under local government protection, the area of Cerro La Santa is still vulnerable to habitat modification resulting from maintenance and potential expansion of existing telecommunication facilities. Therefore, based on the information above, we identify the elfin and ausubo forests found within the Carite Commonwealth Forest to be physical or biological features for this species.

Varronia rupicola

The species has been historically recorded from the geographical area comprising the Guánica Commonwealth Forest in southwestern Puerto Rico, and the area of the Vieques National Wildlife Refuge (NWR) in the island of Vieques, eastern Puerto Rico. The Guánica Forest was designated as a Commonwealth forest in 1917, by Governor Arthur Yager, and has been protected and managed since 1930 (Lugo *et al.* 1996, p. 2; Murphy and Lugo 1990, p. 15). It is now the largest Commonwealth-protected area over limestone substrate in Puerto Rico, with an estimated area of about 10,872 ac (4,400 ha) (Miguel Canals, DNER, pers. comm. 2009). The Guánica Commonwealth Forest is divided in two main contiguous areas: the east section, which includes the original forest area; and the west section, added after 1950 (Lugo *et al.* 1996, p. 2). This forest is considered one of the best examples of a subtropical dry forest in the world (Murphy and Lugo 1990, p. 15; Ewel and Whitmore 1973, p. 72). The Guánica Commonwealth Forest harbors remnants of native dry forest vegetation over limestone pavement, some of these considered as pristine forest. Since the forest has been protected and managed for over 90 years, native vegetation has recovered from previous deforestation for charcoal production. As a result of this, the forest harbors populations of several of the rarest plants endemic to the dry forest of Puerto Rico, and the presence of stands of invasive nonnatives remains associated to areas previously inhabited and along roads within the forest. However, it is important to notice that *Varronia rupicola* also occurs within privately owned lands outside the Guánica Commonwealth Forest, which makes it vulnerable to habitat destruction.

On Vieques Island, about 54 percent of the land is a National Wildlife Refuge managed by the Service (Vieques NWR CCP & EIS 2007, p. 2). Some areas within the refuge harbor suitable habitat for *Varronia rupicola,* providing protection to the species' habitat and probably to undetected populations (Vieques NWR CCP & EIS 2007, p. 2). However, only three patches of dry forest vegetation over limestone substrate that harbor *V. rupicola* populations have been currently identified in the island of Vieques and only two are located within the Vieques NWR. The remaining third patch belongs to the Commonwealth of Puerto Rico. These three natural areas are adjacent and represent the remnant of the prime habitat for the species in Vieques.

Therefore, based on the information above, we identify remnants of scrubland and shrubland forest that occurs within the subtropical dry forest life zone overlying limestone substrate to be physical or biological features for this species.

Primary Constituent Elements

Under the Act and its implementing regulations, we are required to identify the physical or biological features essential to the conservation of *A. eggersiana, G. concolor,* and *V. rupicola* in areas occupied at the time of listing, focusing on the features' primary constituent elements. Primary constituent elements (PCEs) are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain the species' life-history processes, we determine that the PCEs specific to these three Caribbean plants are:

Agave eggersiana

(1) Areas consisting of coastal cliffs and dry coastal shrublands.

(a) Coastal cliff habitat includes:

(i) Bare rock; and

(ii) Sparse vegetation.

(b) Dry coastal shrubland habitat includes:

(i) Dry forest structure; and

(ii) A plant community of predominately native vegetation.

(2) Well-drained soils from the series Cramer, Glynn, Hasselberg, Southgate, and Victory.

(3) Habitat of sufficient area to sustain viable populations in the coastal cliffs and dry coastal shrublands listed in PCEs (1) and (2), above.

Gonocalyx concolor

(1) Elfin forest at elevations over 2,900 ft (880 m) in Cerro La Santa, Puerto Rico, which includes:

(a) Forest with single canopy layer with trees seldom exceeding 22 ft (7 m) in height.

(b) Associated native vegetation dominated by species such as *Tabebuia schumanniana, Tabebuia rigida, Ocotea spathulata, Eugenia borinquensis, Clusia minor,* and *Prestoea acuminata* var. *montana,* native ferns, and dense cover with epiphytes, including bromeliads and mosses.

(2) Ausubo forest at elevations between 2,000 to 2,300 ft (620 to 720 m) in the Charco Azul, which includes:

(a) Forest with single canopy layer with trees exceeding 22 ft (7 m) in height.

(b) Plant association comprised by few species of native trees and associated native vegetation (e.g., *Manilkara bidentata, Dacryodes excelsa, Guarea guidonia,* and *Cyrilla racemiflora*), native ferns, and dense cover with epiphytes, including bromeliads and mosses.

(3) The type locations described in PCEs (1) and (2), above, for this species should have mean annual precipitation of 88.7 in (225.3 cm), mean annual temperature of 72.3 °F (22.7 °C), and Los Guineos type of soil (i.e., very deep, acidic, clayey, well-drained soils on side slopes of mountains).

Varronia rupicola

(1) Remnants of native shrubland and scrubland forest on limestone substrate within the subtropical dry forest life zone. Dry shrubland and scrubland forest includes:

(a) Shrubland vegetation with canopy from 6.5 to 9.8 ft (2 to 3 m) high;

(b) Limestone pavement;

(c) Associated native vegetation; and

(d) A shrub layer dominated by *Croton humilis, Eupatorium sinuatum, Lantana reticulata,* and *Turnera diffusa.*

(2) Semi-deciduous dry forest on limestone substrate within the subtropical dry forest life zone. Dry limestone semi-deciduous forest includes:

(a) Low forest with canopy from 8 to 15 ft (3 to 5 m) high;

(b) Limestone pavement;

(c) Associated dry forest native vegetation; and

(d) A shrub layer dominated by *Croton humilis, Eupatorium sinuatum, Lantana reticulata,* and *Turnera diffusa.*

(3) The type locations described in PCEs (1) and (2), above, for this species should have shallow and alkaline soils derived from limestone rock and an average rainfall of 34 in (86 cm).

Special Management Considerations or Protections

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features that are essential to the conservation of the species and which may require special management considerations or protection.

Agave eggersiana and Varronia rupicola

The primary threats to the physical or biological features (PBFs) that *Agave eggersiana* and *Varronia rupicola* depend on include: (1) Habitat destruction and modification by development; (2) competition with nonnative plant species; (3) human-induced fire; and (4) hurricanes and storm surge. The majority of these threats can be addressed by special management considerations or protection, while others (e.g., hurricanes and storm surges) are beyond the control of land owners and managers. Management activities that could ameliorate these threats include, but are not limited to, establishment of permanent conservation easements or land acquisition to protect the species and its habitat on private lands; establishment of conservation agreements on private, nongovernment, and government lands to protect the habitat; implementation of control of invasive, nonnative plant species to reduce competition and prevent habitat degradation; implementation of management practices to control fires; and creation or revision of management plans for the identification of the areas where current developments exist and to better guide the implementation of conservation measures for the species. For *A. eggersiana,* precautions are needed to avoid inadvertent mowing and cutting of the species in the course of landscaping activities. In addition, for both *A. eggersiana* and *V. rupicola,* development of residential and tourism projects should avoid impacting these habitats directly or indirectly, and habitat fragmentation should be limited as much as possible to maintain connectivity between populations and to avoid habitat degradation due to the colonization by nonnative, invasive plants.

Gonocalyx concolor

The primary threats to the PBFs that *G. concolor* depends on include: (1) Habitat destruction and modification by development of telecommunication

towers and associated facilities on the mountain top of Cerro La Santa; (2) vegetation management; (3) hurricanes and tropical storms; (4) landslides; (5) invasive species; and (6) human-induced fire. The majority of these threats can be addressed by special management considerations or protection while others (e.g., hurricanes, landslides, and climate change) are beyond the control of land owners and managers. Management activities that could ameliorate these threats include, but are not limited to, implementation of conservation measures with DNER to reduce threats to the species in the Carite Commonwealth Forest; minimization of habitat disturbance, fragmentation, and destruction resulting from maintenance of telecommunication facilities; prevention of fires; and controlling invasive plant species.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify occupied areas at the time of listing that contain the features essential to the conservation of the species. If, after identifying currently occupied areas, we determine that those areas are inadequate to ensure conservation of the species we then consider, in accordance with the Act and our implementing regulations at 50 CFR 424.12(e), whether designating additional areas outside those currently occupied is essential for the conservation of the species. As discussed in further detail below, we are designating critical habitat in areas within the geographical area occupied by the three Caribbean plant species at the time of listing. We also are designating specific areas outside the geographical area occupied by *A. eggersiana* and *V. rupicola* that were historically occupied, but are presently unoccupied at the time of listing, because we have determined that such areas are essential for the conservation of the species. For *G.concolor,* we are not designating any areas outside the geographical area occupied by the species because occupied areas are sufficient for the conservation of the species.

Sites were considered occupied if the species was documented by reports and if biologists observed them on site visits to the areas. We also reviewed available information that pertains to habitat requirements for the three Caribbean plants. Sources of data for the three Caribbean species and their habitat included multiple databases maintained by universities and by State and Federal agencies from Puerto Rico and USVI, reports on assessments and surveys throughout the species' range, and assessments of current conditions of the three Caribbean species and their habitat at known locations (e.g., Monsegur and Vargas, Service, pers. obs. 2013; Dalmida-Smith, DPNR 2010; Moser *et al.* 2010). We reviewed the best available information pertaining to the habitat requirements of the species. Specifically, the sources of information included, but were not limited to:

(1) Data used to prepare the listing package;

(2) Observations gathered on field visits by various agencies (Service, DPNR, and DNER);

(3) Peer-reviewed articles and various agency reports;

(4) Information from species experts; and

(5) Regional Geographic Information System (GIS) data (such as species occurrence data, topography, aerial imagery, and land ownership maps) for area calculations and mapping.

Areas for critical habitat designation were selected based on the limited information we have gathered on the species and the quality of the element occurrence(s), condition of the habitat, and distribution within the species' range. Typically, selected areas contain natural habitat that contain native flora as observed in field visits. However, some lower quality occurrences, with restoration potential, were included to ensure that critical habitat is being designated across the species' range and to avoid a potential reduction of the distribution of the three Caribbean plants. The habitats upon which the species depends is often easily viewed using aerial photography. Additionally, aerial photography provided an overview of the land use surrounding the areas where the species are located. Topographic maps and elevation data provided contours and drainage patterns that were used to help identify potential areas for growth and expansion of the species. A combination of these tools, in a GIS interface, allowed for the determination of the critical habitat boundaries.

We plotted all occurrence records of the three Caribbean plants on maps in geographic information system as points and polygons. Then, we used U.S. Geological Survey (USGS) topographic maps, aerial photographs, and U.S. Forest Service (USFS)-International Institute of Tropical Forestry (IITF) land cover layers to delineate the critical habitat units. Critical habitat units were then mapped using ArcMap version 10 (Environmental Systems Research Institute, Inc.), a Geographic Information Systems (GIS) program.

We are also designating specific areas outside the geographical area occupied by *Agave eggersiana* at the time of listing (areas reported as historical) and *Varronia rupicola,* because the current amount of habitat that is occupied is not sufficient for the recovery of the species. Specifically, we analyzed and selected areas that contained the PCEs, the PBF necessary for the establishment of the species, and natural areas of pristine or remnants of pristine habitat (habitat with native vegetation and no or few exotics species) that could be used to introduced individuals with a high expectancy of survivorship and recovery. These unoccupied areas would safeguard other established populations in case of any stochastic event that occurs within habitats currently occupied by the species. In the case of *Agave eggersiana,* we also took under consideration historical areas, and for *Varronia rupicola,* we considered the area as a single ecological unit where ecological interactions and genetic flow is expected to occur between the unoccupied and occupied areas. Small populations and plant species with limited distributions, like those of *Agave eggersiana* and *Gonocalyx concolor,* are vulnerable to relatively minor environmental disturbances (Frankham 2005, pp. 135–136), and are subject to the loss of genetic diversity from genetic drift (Ellstrand and Elam 1993, pp. 217–237; Leimu *et al.* 2006, pp. 942–952; Honnay and Jacquemyn, 2007, p. 824). Plant populations with lowered genetic diversity are more prone to local extinction (Barrett and Kohn 1991, pp. 4, 28). Smaller plant populations generally have lower genetic diversity, and lower genetic diversity may in turn lead to even smaller populations by decreasing the species' ability to adapt, thereby increasing the probability of population extinction (Newman and Pilson 1997, p. 360; Palstra and Ruzzante 2008, pp. 3428–3447). Because of the dangers associated with small populations or limited distributions, the recovery of many rare plant species includes the creation of new sites or reintroductions to ameliorate these effects. When designating critical habitat, we consider future recovery efforts and conservation of the species.

The habitat of these species must be conserved to fulfill their recovery. Furthermore, it is important to ensure there are enough individuals of the

species to secure their survival into the future as well as to ensure the habitat (with all associated plant communities) is adequate for the species. At present, there are only approximately 300 known adult individuals of *Agave eggersiana,* 31 individuals of *Gonocalyx concolor,* 75 individuals of *Varronia rupicola,* and only few areas where the three species have been documented. Although at this moment we do not know how many individuals would suffice to safeguard these species, having limited populations in limited areas is detrimental to the species, and even more detrimental if threats are not ameliorated.

When determining critical habitat boundaries within this final rule, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.* The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this final rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands will not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

The critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document in the Regulation Promulgation section. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0040, and at the field office responsible for the designation (see **FOR FURTHER INFORMATION CONTACT**).

Final Critical Habitat Designation

We are designating six units as critical habitat for *Agave eggersiana,* two units for *Gonocalyx concolor,* and seven units for *Varronia rupicola* as critical habitat. The critical habitat areas described below constitute our best assessment at this time of areas that meet the definition of critical habitat. The units are: (1) Cane Garden, (2) Manchenil, (3) Great Pond, (4) Protestant Cay, (5) East End South, and (6) East End North for *Agave eggersiana;* (1) Cerro La Santa and (2) Charco Azul for *Gonocalyx concolor;* (1) Montalva, (2) Guánica Commonwealth Forest, (3) Montes de Barina, (4) Peñón de Ponce, (5) Punta Negra, (6) Puerto Ferro, and (7) Cerro Playuela for *Varronia rupicola.* Tables 1, 2, and 3 shows the critical habitat units for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola,* respectively.

Agave eggersiana

TABLE 1—OCCUPANCY OF AGAVE EGGERSIANA BY DESIGNATED CRITICAL HABITAT UNITS

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Occupied at time of listing	Land ownership	Size of unit in acres (hectares)
Agave eggersiana			
1. Cane Garden	Yes	Private	6.9 (2.8)
2. Manchenil	Yes	Private	1.5 (0.61)
3. Great Pond	Yes	Territory	0.8 (0.32)
4. Protestant Cay	Yes	Territory, but leased to private	0.4 (0.16)
5. East End South	No	Private	19 (7.7)
6. East End North	No	Territory	22 (8.9)
Total			50.6 (20.5)

Note: Area sizes may not sum due to rounding.

Unit 1: Cane Garden

Unit 1 consists of 6.9 ac (2.8 ha) of privately owned lands located at Estate Cane Garden and Estate Peters Mindle, Christiansted, St. Croix, USVI. This unit is located in the south-central portion of the island, approximately 0.17 mi (0.27 km) south of Road 62 and approximately 0.2 mi (0.3 km) northeast of Vagthus Point, along the northeast coast of Canegarden Bay and south of a private trail. It is within the geographical area occupied at the time of listing. This unit contains all the PCEs. The PCEs in this unit may require special considerations to address threats of nonnative plant species, effects of hurricanes (i.e., storm surge and erosion), and habitat modification (e.g., trails expansion).

Unit 2: Manchenil

Unit 2 consists of 1.5 ac (0.61 ha) of privately owned lands located at Estate Granard, Christiansted, St. Croix, USVI. This unit is located in the south-central portion of the island, approximately 0.50 mi (0.82 km) south of Road 62 and approximately 0.02 mi (0.03 km) east of South Shore Road, along the northeast coast of Manchenil Bay. It is within the geographical area occupied at the time of listing. This unit contains all the PCEs. The PCEs in this unit may require special considerations to address threats of fires, nonnative plant species, effects of hurricanes (i.e., storm surge), and habitat modification.

Unit 3: Great Pond

Unit 3 consists of 0.8 ac (0.32 ha) of territory-owned land located at Estate Great Pond, Christiansted, St. Croix, USVI. This unit is located in the south of the island, approximately 6.5 ft (2 m) south of Road 62 and east of the entrance of East End Marine Park offices. It is within the geographical area occupied at the time of listing. This unit contains all the PCEs. The PCEs in this unit may require special considerations to address threats of fire, nonnative plant species, and habitat modification (i.e., landscaping).

Unit 4: Protestant Cay

Unit 4 consists of 0.4 ac (0.16 ha) of territory-owned lands that are leased to a private party and are located at Protestant Cay, St. Croix, USVI. The Cay is located approximately 0.33 km (0.20 mi) north of Christiansted town. The unit is located on the northeast side of

the Cay. It is within the geographical area occupied at the time of listing. This unit contains all the PCEs. The PCEs in this unit may require special considerations to address threats of nonnative plant species, effects of hurricanes (i.e., storm surge and erosion), and habitat modification (i.e., hotel landscaping and maintenance).

The Protestant Cay unit is also currently designated as critical habitat for the St. Croix ground lizard (*Ameiva polops*) (42 FR 47840; September 22, 1977).

Unit 5: East End South

Unit 5 consists of 19 ac (7.7 ha) of privately owned lands located at Estate Jack's Bay and Estate Isaac's Bay, Christiansted, St. Croix, USVI. This unit is located south of the eastern end portion of the island, approximately 0.93 mi (1.5 km) southwest of Point Udall, approximately 0.02 mi (0.04 km) east of Point Road, along the north coast of Jack's Bay, and south of a Jack's and Issac's Bay Preserve trail. It is owned by The Nature Conservancy and managed as conservation land. This unit is not occupied at the time of listing. However, it is part of the historical range of the species. This unit is essential for the conservation of the species because it contains the PCEs and because its designation will safeguard other established populations in case of any stochastic event that occurs within habitats currently occupied by the species.

Unit 6: East End North

Unit 6 consists of 22 ac (8.9 ha) of territory-owned land located at Estate Cotton Garden, Christiansted, St. Croix, USVI. This unit is located north of the eastern end portion of the island, approximately 0.86 mi (1.4 km) northwest of Point Udall, north of Road 82 along the eastern coast of Cotton Garden Bay and western coast of Boiler Bay. This unit is not occupied at the time of listing. However, it is part of the historical range of the species. This unit is essential for the conservation of the species because it contains the PCEs and because its designation will safeguard other established populations in case of any stochastic event that occurs within habitats currently occupied by the species.

Gonocalyx concolor

TABLE 2—OCCUPANCY OF GONOCALYX CONCOLOR BY DESIGNATED CRITICAL HABITAT UNITS

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Occupied at time of listing	Land ownership	Size of unit in acres (hectares)
Gonocalyx concolor			
1. Cerro La Santa	Yes	Commonwealth of Puerto Rico	18.8 (7.6)
2. Charco Azul	Yes	Commonwealth of Puerto Rico	179.2 (72.5)
Total			198 (80.1)

Note: Area sizes may not sum due to rounding.

Unit 1: Cerro La Santa

Unit 1 consists of 18.8 ac (7.6 ha) of elfin forest located on exposed peaks and ridges of Cerro La Santa, above 2,890 ft (880 m) in elevation from sea level. This unit is located in the Sierra de Cayey on Road PR 184, Km 27.1 in Espino Ward, between the Municipalities of Cayey and San Lorenzo. This unit is within the geographical area occupied by the species at the time of listing. This unit contains all PCEs. The PCEs in this unit may require special considerations to address threats of habitat modification resulting from maintenance and potential expansion of existing telecommunication facilities, human-induced fires, invasive species, and degradation of forest quality.

Unit 2: Charco Azul

Unit 2 consists of 179.2 ac (72.5 ha) of ausubo forest located along the Rio Grande de Patillas River basin between 2,030 ft (620 m) and 2,330 ft (720 m) in elevation from sea level. This unit is approximately 2.0 mi (3.2 km) southeast of Unit 1. This unit is within the geographical area occupied by the species at the time of listing. This unit contains all PCEs. The PCEs in this unit may require special considerations and protection to address threats of habitat modification resulting from human-induced fires, invasive species, and degradation of forest quality.

Varronia rupicola

TABLE 3—OCCUPANCY OF VARRONIA RUPICOLA BY DESIGNATED CRITICAL HABITAT UNITS

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Occupied at time of listing	Land ownership	Size of unit in acres (hectares)
Varronia rupicola			
1. Montalva	Yes	Commonwealth of Puerto Rico	992 (401)
2. Guánica Commonwealth Forest	Yes	Commonwealth of Puerto Rico	584 (236)
3. Montes de Barina	Yes	Private	2,002 (810)
4. Peñón de Ponce	Yes	Private	2,174 (880)
5. Punta Negra	No	Commonwealth of Puerto Rico	291 (117)
6. Puerto Ferro	Yes	Federal Government	381 (154)
7. Cerro Playuela	No	Federal Government	123 (50)

TABLE 3—OCCUPANCY OF VARRONIA RUPICOLA BY DESIGNATED CRITICAL HABITAT UNITS—Continued

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Occupied at time of listing	Land ownership	Size of unit in acres (hectares)
Total			6,547 (2,648)

Note: Area sizes may not sum due to rounding

Unit 1 consists of 992 ac (401 ha) of Commonwealth-owned lands located at Montalva Ward in the Municipality of Guánica, Puerto Rico. This unit is located just south of State Highway PR 324 and the Town of Guánica, and includes Cerro Montalva. It is within the geographical area occupied by the species at the time of listing. Due to the marginal agricultural value, these forests were minimally impacted by other land use practices (e.g., charcoal production and ranching). Therefore, the prime and essential habitat for the species has maintained its unique features, such as the dry coastal shrubland habitat PCEs and PBFs, including suitable climate, substrates, and associated native plants and forest structure. Despite its conservation status the habitat has been affected by human-induced fires and maintenance of access roads and rights-of-way. The PCEs in this unit may require special considerations to address threats of nonnative plant species, human-induced fires, hurricanes, and habitat modification (e.g., urban development).

Unit 2: Guánica Commonwealth Forest

Unit 2 consists of 584 ac (236 ha) of Commonwealth-owned lands located within Carenero and Barina Wards in the municipalities of Guánica and Yauco, Puerto Rico. This unit is located within the core of the east section of the Guánica Commonwealth Forest. The forested habitat in this unit was minimally impacted by other land use practices like charcoal production and ranching due to its marginal agricultural value; hence, it has maintained its unique features. It is within the geographical area occupied by the species at the time of listing and contains the dry coastal shrubland habitat PCEs and PBFs, including suitable climate, substrates, and associated native plants and forest structure. Despite its conservation status, the habitat has been affected by human-induced fires and maintenance of access roads and rights-of-way. The PCEs in this unit may require special considerations to address threats of nonnative plant species, human-induced fires, hurricanes, and habitat modification (e.g., urban development and right-of-way maintenance).

Unit 3: Montes de Barina

Unit 3 consists of 2,002 ac (810 ha) of privately owned lands primarily located along Indios Ward in the municipality of Guayanilla. A small section of this unit falls within the Barinas Ward in Yauco, Puerto Rico. This unit is located just south of State Highway PR 2. The forested habitat in this unit was minimally impacted by other land use practices like charcoal production and ranching due to its marginal agricultural value; hence, it has maintained its unique features. The unit is within the geographical area occupied by the species at the time of listing and contains the dry coastal shrubland habitat PCEs and PBFs, including suitable climate, substrates, and associated native plants and forest structure. The PCEs in this unit may require special considerations to address threats of nonnative plant species, human-induced fires, hurricanes, and habitat modification (e.g., urban development).

Unit 4: Peñón de Ponce

Unit 4 consists of 2,174 ac (880 ha) of privately owned lands located along Encarnación and Canas Wards in the municipalities of Peñuelas and Ponce, Puerto Rico. This unit is located just north of State Highway PR 2 in the area known as Punta Cucharas. The forested habitat in this unit was minimally impacted by other land use practices like charcoal production and ranching due to its marginal agricultural value; hence, it has maintained its unique features. It is within the geographical area occupied by the species at the time of listing and contains the dry coastal shrubland habitat PCEs and PBFs, including suitable climate, substrates, and associated native plants and forest structure. The PCEs in this unit may require special considerations to address threats of nonnative plant species, human-induced fires, hurricanes, and habitat modification (e.g., urban development).

Unit 5: Punta Negra

Unit 5 is a small peninsula that consists of 291 ac (117 ha) of Commonwealth-owned lands located within Puerto Real Ward on the island of Vieques, Puerto Rico. This unit is located about 1.5 mi (2.5 km) east of the town of Esperanza and west of Puerto Ferro, Vieques National Wildlife Refuge (NWR). This natural area is managed by the Puerto Rico DNER as part of the Puerto Mosquito Natural Reserve. The forested habitat in this unit was minimally impacted by other land use practices like charcoal production and ranching due to its marginal agricultural value; hence, it has maintained its unique features. It is adjacent to an area currently occupied by the species (Unit 6), forming a continuous habitat and contains the dry coastal shrubland habitat PCEs and PBFs, including suitable climate, substrates, and associated native plants and forest structure. However, there is no specific record of the species within this unit. This unit is essential for the conservation of the species because it contains the PCEs and because its designation will safeguard other established populations in case of any stochastic event that occurs within habitats currently occupied by the species.

Further, we consider Units 5, 6, and 7 to be a single ecological unit. The species is expected to occur within this area, and ecological interactions and genetic flow between this area and Units 6 and 7 may be essential for the recovery of the species. It was not included as a single unit with Units 6 and 7 because these peninsulas are united by a narrow mangrove forest that does not provide habitat for the species. The PCEs in this unit may require special considerations to address threats of nonnative plant species, human-induced fires, and hurricanes.

Unit 6: Puerto Ferro

Unit 6 is a small peninsula that consists of 381 ac (154 ha) of federally owned lands managed by the Service as the Vieques NWR, and is located within the Puerto Ferro Ward on the island of Vieques, Puerto Rico. This unit is

located about 4 km (2.5 mi) east of the town of Esperanza. It is located just between Unit 5 and Unit 7, forming a continuous habitat and contains the dry coastal shrubland habitat PCEs and PBFs, and therefore we consider Units 5, 6, and 7 to be a single ecological unit. The forested habitat in this unit was minimally impacted by other land use practices like charcoal production and ranching due to its marginal agricultural value; hence, it has maintained its unique features. It is within the geographical area occupied by the species at the time of listing and contains the dry coastal shrubland habitat PCEs and PBFs, including suitable climate, substrates, and associated native plants and forest structure. It was not included as a single unit with Units 5 and 7 because these peninsulas are united by a narrow mangrove forest that does not provide habitat for the species. The PCEs in this unit may require special considerations to address threats of nonnative plant species, human-induced fires, and hurricanes.

Unit 7: Cerro Playuela

Unit 7 is a small peninsula that consists of 123 ac (50 ha) of federally owned lands managed by the Service as the Vieques NWR, and is located within Puerto Ferro Ward on the island of Vieques, Puerto Rico. This unit is located about 0.5 km (0.31 mi) south of the former airport of Campamento García (Vieques NWR). The forested habitat in this unit was minimally impacted by other land use practices like charcoal production and ranching due to its marginal agricultural value; hence, it has maintained its unique features. It is adjacent to an area currently occupied by the species (Unit 6), forming a continuous habitat. However, there is no specific record of the species within this unit. This unit is essential for the conservation of the species because it contains the PCEs and because its designation would safeguard other established populations in case of any stochastic event that occurs within habitats currently occupied by the species. Further, we consider Units 5, 6, and 7 to be a single ecological unit. The species is expected to occur within this area, and ecological interactions and genetic flow between this area and Unit 6 may be essential for the recovery of the species. It was not included as a single unit with Units 5 and 6 because these peninsulas are united by a narrow mangrove forest that does not provide habitat for the species. The PCEs in this unit may require special considerations to address threats of nonnative plant species, human-induced fires, and hurricanes.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

Decisions by the 5th and 9th Circuit Courts of Appeals have invalidated our regulatory definition of ''destruction or adverse modification'' (50 CFR 402.02) (see *Gifford Pinchot Task Force* v. *U.S. Fish and Wildlife Service,* 378 F. 3d 1059 (9th Cir. 2004) and *Sierra Club* v. *U.S. Fish and Wildlife Service,* 245 F.3d 434 (5th Cir. 2001)), and we do not rely on this regulatory definition when analyzing whether an action is likely to destroy or adversely modify critical habitat. Under the provisions of the Act, we determine destruction or adverse modification on the basis of whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat, and actions on State, tribal, local, or private lands that are not federally funded or authorized, do not require section 7 consultation.

As a result of section 7 consultation, we document compliance with the requirements of section 7(a)(2) through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where we have listed a new species or subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law). Consequently, Federal agencies sometimes may need to request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions with discretionary involvement or control may affect subsequently listed species or designated critical habitat.

Application of the ''Adverse Modification'' Standard

The key factor related to the adverse modification determination is whether,

with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species. Activities that may destroy or adversely modify critical habitat are those that alter the physical or biological features to an extent that appreciably reduces the conservation value of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.* As discussed above, the role of critical habitat is to support life-history needs of the species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such designation.

Activities that may affect critical habitat, when carried out, funded, or authorized by a Federal agency, should result in consultation for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.* These activities include, but are not limited to:

(1) Actions that would appreciably degrade or destroy the physical or biological features for the species. Such activities could include, but are not limited to, clearing or cutting native live trees and shrubs (e.g., bulldozing, vegetation pruning, construction, road building, maintenance of rights-of-way for powerlines, and herbicide application). These activities could pose a risk of take by fire to the survival of *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.*

(2) Actions that would introduce or encourage the spread of nonnative plant species that would significantly alter vegetation structure. Such activities may include, but are not limited to, residential and commercial development and road construction. These activities can affect the growth, reproduction, and survival of *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.*

(3) Actions that would significantly alter the structure and function of the elfin forest or the ausubo forest within the Carite Commonwealth Forest. Removal of vegetation could alter or eliminate the microclimate (e.g., change in temperature and humidity levels) and may allow invasion of competitor species and thereby negatively affect the habitat necessary for all life stages of *Gonocalyx concolor.*

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that: ''The Secretary shall not designate as critical habitat any lands or other geographic areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan [INRMP] prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.'' There are no Department of Defense lands with a completed INRMP within the critical habitat designation.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless she determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

Exclusions Based on Economic Impacts

Under section 4(b)(2) of the Act, we consider the economic impacts of specifying any particular area as critical habitat. In order to consider economic impacts, we prepared an incremental effects memorandum (IEM) and screening analysis which together with our narrative and interpretation of effects constitute our draft economic analysis (DEA) of the proposed critical habitat designation and related factors (IEc 2014). The analysis was made available for public review and we accepted public comments on the analysis from May 21, 2014, through June 20, 2014 (79 FR 29150). Following the close of the comment period, we reviewed and evaluated all information submitted during the comment period that pertained to our consideration of the probable incremental economic impacts of this critical habitat designation and developed a final economic analysis (FEA). The FEA is summarized below and available in the screening analysis for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* (IEc 2014), available at *http://www.regulations.gov.* Copies of the DEA, FEA, and any supporting documents, may be obtained by contacting the Caribbean Ecological Services Field Office (see **ADDRESSES**).

The FEA addresses how probable economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on government agencies, private businesses, and individuals. Decision-makers can use this information to evaluate whether the effects of the designation might unduly burden a particular group, area, or economic sector. The FEA assesses the economic impacts of *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* conservation efforts associated with the following categories of activity: Residential and commercial development; transportation projects; recreational activities; agricultural activities; removal of unexploded ordinance; and changes to the Commonwealth Forests' Master Plan, which may trigger additional regulatory changes.

In general, in the occupied critical habitat units, because *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* are narrow endemic species, the quality of habitat is closely linked to the species' survival (USFWS 2013). Consequently, the Service believes that in most circumstances, there will be no conservation efforts needed to prevent adverse modification of occupied critical habitat beyond those that would be required to avoid jeopardy to the species. In the unoccupied critical habitat units, the areas are already set aside for conservation purposes, and all anticipated activities should be consistent with protection of the species. Any anticipated incremental costs of the critical habitat designation costs will predominantly be administrative in nature and would not be significant. Furthermore, the designation of critical habitat is not likely to result in an increase of consultations, but rather only the additional administrative effort within each consultation to address the effects of each proposed agency action on critical habitat.

Our FEA did not identify any disproportionate costs that are likely to result from the designation. Consequently, the Secretary is not

exercising her discretion to exclude any areas from this designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* based on economic impacts.

Exclusions Based on National Security Impacts or Homeland Security Impacts

Under section 4(b)(2) of the Act, we consider whether there are lands owned or managed by the Department of Defense where a national security impact might exist. In preparing this final rule, we have determined that no lands within the designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* are owned or managed by the Department of Defense or Department of Homeland Security, and, therefore, we anticipate no impact on national security or homeland security. Consequently, the Secretary is not exerting her discretion to exclude any areas from this final designation based on impacts on national security or homeland security.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors, including whether the landowners have developed any HCPs or other management plans for the area, or whether there are conservation partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at any tribal issues and consider the government-to-government relationship of the United States with tribal entities.

There is a Master Forest Management Plan that includes the Carite Commonwealth Forests and Guánica Commonwealth Forest. *Gonocalyx concolor* located within Carite Commonwealth Forest and *Varronia rupicola* located within Guánica Commonwealth Forest are managed by the Puerto Rico Department of Natural and Environmental Resources. The Master Management Plan promotes the use and enjoyment of the natural resources at the forests, although it establishes that the activities should not affect important species for the Commonwealth of Puerto Rico. The management plans do not include protection or conservation measures specific for *Gonocalyx concolor* or *Varronia rupicola,* and thus we do not consider them to be approved management plans for these plants.

In preparing this final rule, we have determined that there are currently no HCPs or other management plans for *Agave eggersiana, Gonocalyx concolor,* or *Varronia rupicola,* and the final designation does not include any tribal lands or trust resources. We anticipate no impact on tribal lands, partnerships, or HCPs from this critical habitat designation. Accordingly, the Secretary is not exercising her discretion to exclude any areas from this final designation based on other relevant impacts.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C. 801 *et seq.*), whenever an agency must publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts on these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule, as well as the types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as amended, and following recent court decisions, is that Federal agencies are only required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself, and therefore, not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7 only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies will be directly regulated by this designation. There is no requirement under RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities are directly regulated by this rulemaking, the Service certifies that this final critical habitat designation will not have

a significant economic impact on a substantial number of small entities.

As discussed under *Exclusions Based on Economic Impacts* above, during the development of this final rule we reviewed and evaluated all information submitted during the comment period that may pertain to our consideration of the probable incremental economic impacts of this critical habitat designation. Based on this information, we affirm our certification that this final critical habitat designation will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. OMB has provided guidance for implementing this Executive Order that outlines nine outcomes that may constitute ''a significant adverse effect'' when compared to not taking the regulatory action under consideration.

The economic analysis found that none of these criteria is relevant to this analysis. Thus, based on information in the economic analysis, energy-related impacts associated with *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* conservation activities within critical habitat are not expected. As such, the designation of critical habitat is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because it will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. Small governments will be affected only to the extent that any programs having Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. The final economic analysis concludes incremental impacts may occur due to administrative costs of section 7 consultations for activities related to commercial, residential, and recreational development and associated actions; however, these are not expected to significantly affect small government entities. Consequently, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with Executive Order 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have analyzed the potential takings implications of designating critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* in a takings implications assessment. As discussed above, the designation of critical habitat affects only Federal actions. Although private parties that receive Federal funding, receive assistance, or require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. The FEA found that no significant economic impacts are likely to result from the designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.* Because the Act's critical habitat protection requirements apply only to Federal agency actions, few conflicts between critical habitat and private property rights should result from this designation. Based on the best available information, the takings implications assessment concludes that this designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* does not pose significant takings implications.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this critical habitat designation with, appropriate State and Territorial resource agencies in St. Croix, USVI, and the Commonwealth of Puerto Rico. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies.

The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical and biological features of the habitat necessary to the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist these local governments in long-range planning (because these local governments no longer have to wait for case-by-case section 7 consultations to occur).

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the applicable standards set forth in sections 3(a) and 3(b)(2) of the Order. We are designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, the rule identifies the elements of physical or biological features essential to the conservation of the *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.* The designated areas of critical habitat are presented on maps, and the rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act in connection with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. As discussed above, we are not designating critical habitat for *Agave eggersiana, Gonocalyx concolor,* or *Varronia rupicola* on tribal lands.

References Cited

A complete list of all references cited is available on the Internet at *http://www.regulations.gov* and upon request from the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rulemaking are the staff members of the Caribbean Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, we 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; 1531–1544; 4201–4245, unless otherwise noted.

■ 2. In § 17.96, amend paragraph (a) as follows:

■ a. By adding Family Agavaceae, in alphabetical order, to the list of families.

■ b. By adding an entry for *Agave eggersiana* in alphabetical order under Family Agavaceae.

■ c. By adding the word ''Family'' immediately before the word ''Boraginaceae'' in the heading of the entry ''Boraginaceae: *Amsinckia grandiflora* (large-flowered fiddleneck).''

■ d. By adding an entry for *Varronia rupicola* in alphabetical order under Family Boraginaceae.

■ e. By adding an entry for *Gonocalyx concolor* in alphabetical order under Family Ericaceae.

These additions read as follows:

§ 17.96 Critical habitat—plants.

(a) *Flowering plants.*

* * * * *

Family Agavaceae: *Agave eggersiana* (No Common Name)

(1) Critical habitat units are depicted for St. Croix, USVI, on the maps in this entry.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of *Agave eggersiana* consist of these components:

(i) Areas consisting of coastal cliffs and dry coastal shrublands.

(A) Coastal cliff habitat includes:

(*1*) Bare rock; and

(*2*) Sparse vegetation.

(B) Dry coastal shrubland habitat includes:

(*1*) Dry forest structure; and

(*2*) A plant community of predominately native vegetation.

(ii) Well-drained soils from the series Cramer, Glynn, Hasselberg, Southgate, and Victory.

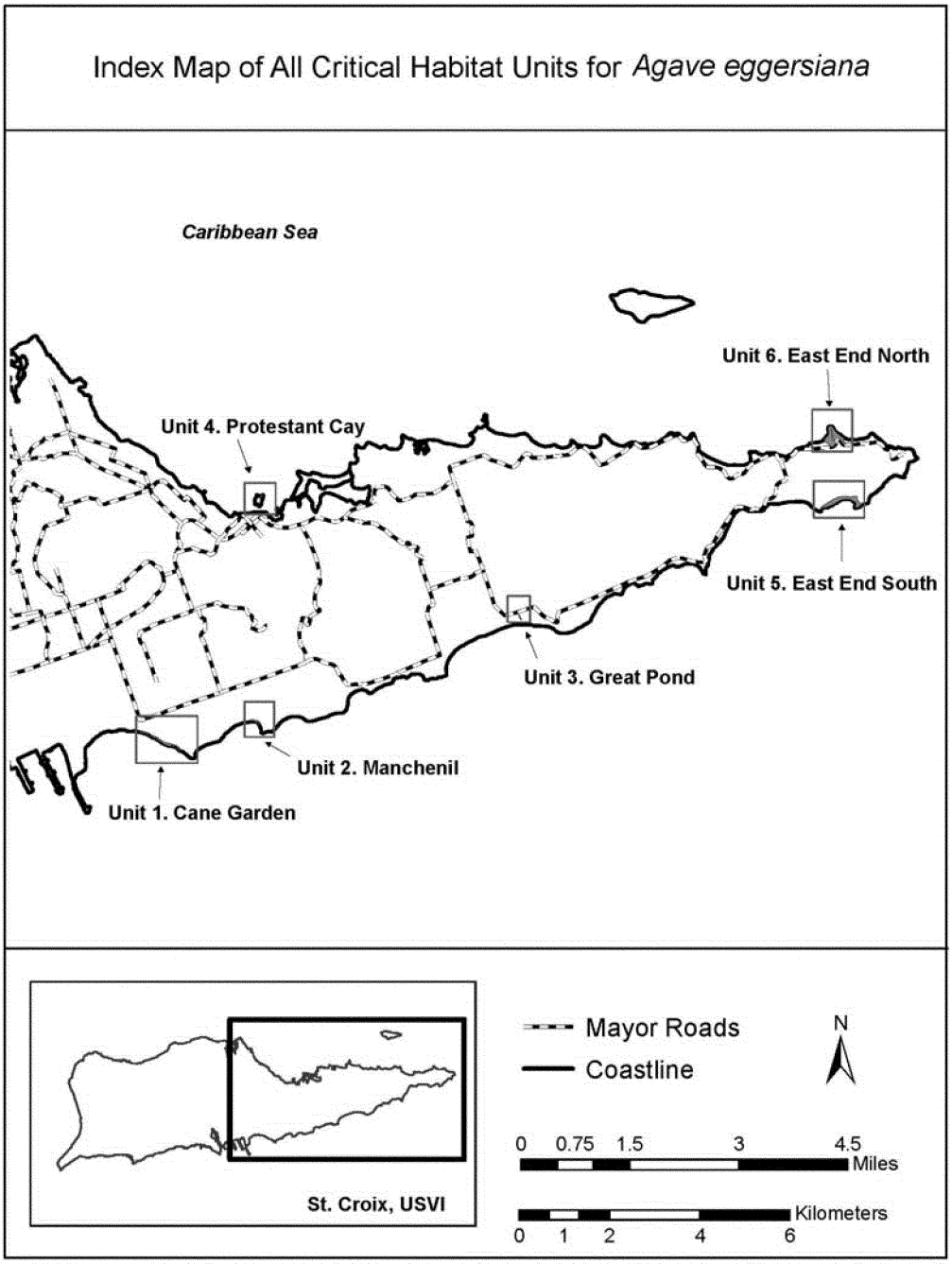
(iii) Habitat of sufficient area to sustain viable populations in the coastal cliffs and dry coastal shrublands described in paragraphs (2)(i)(A) and (2)(i)(B) of this entry.

(3) Critical habitat does not include manmade structures (such as buildings, bridges, docks, aqueducts, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on October 9, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of an aerial image (USCOE) and USFS–IITF Landcover GAP raster. Critical habitat units were then mapped using Universal Transverse Mercator (UTM) North American Datum (NAD) 1983 Zone 20 N coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's Internet site at *http://www.fws.gov/caribbean/es,* at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0040, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map of critical habitat units for *Agave eggersiana* follows:

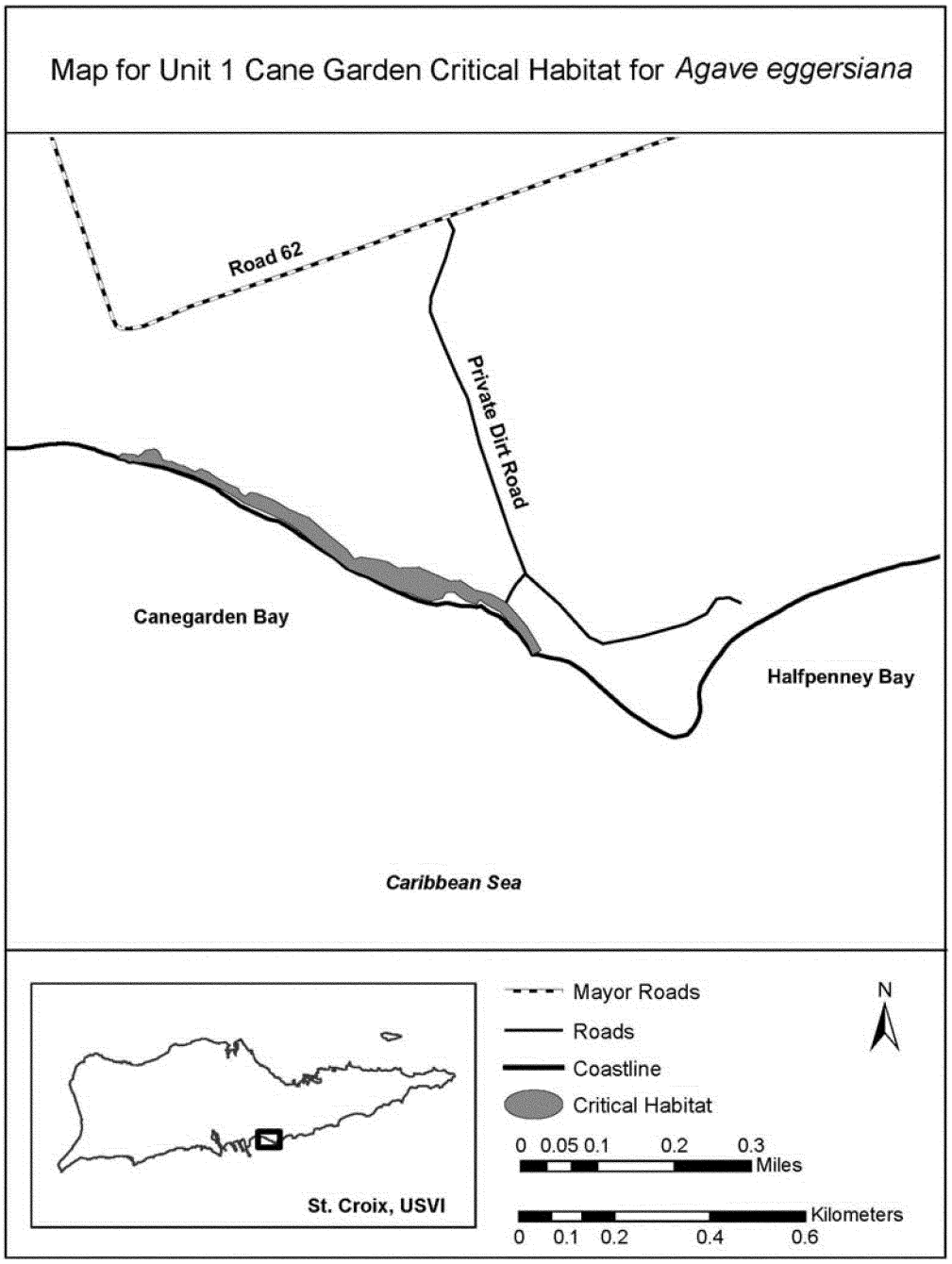
BILLING CODE 4310–55–P



(6) Unit 1: Cane Garden, Estate Cane Garden and Estate Peters Mindle, Christiansted, St. Croix, USVI.

(i) Unit 1 includes 6.9 acres (ac) (2.8 hectares (ha)).

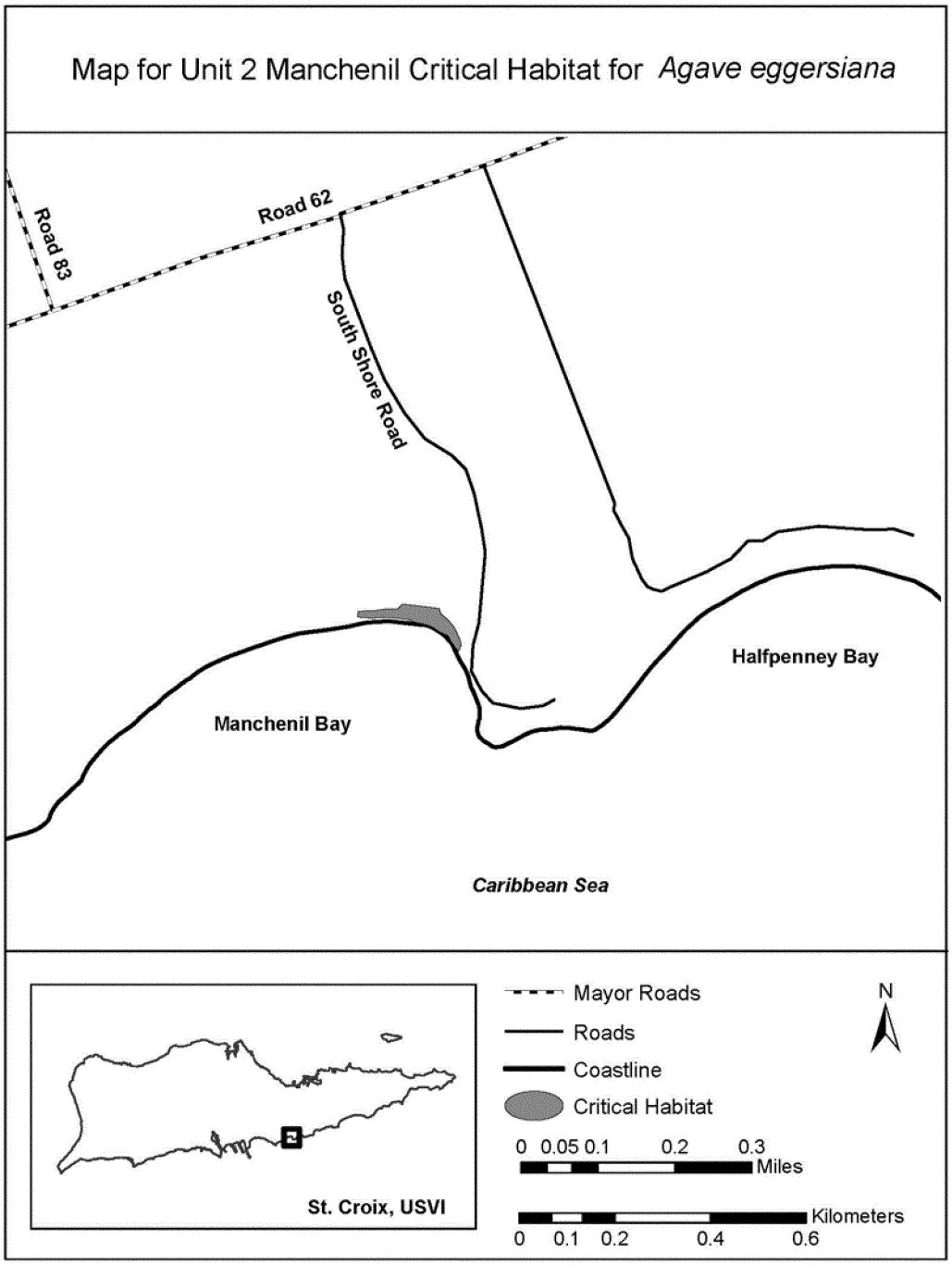
(ii) Map of Unit 1 follows:



(7) Unit 2: Manchenil, Estate Granard, Christiansted, St. Croix, USVI.

(i) Unit 2 includes 1.5 ac (0.61 ha).

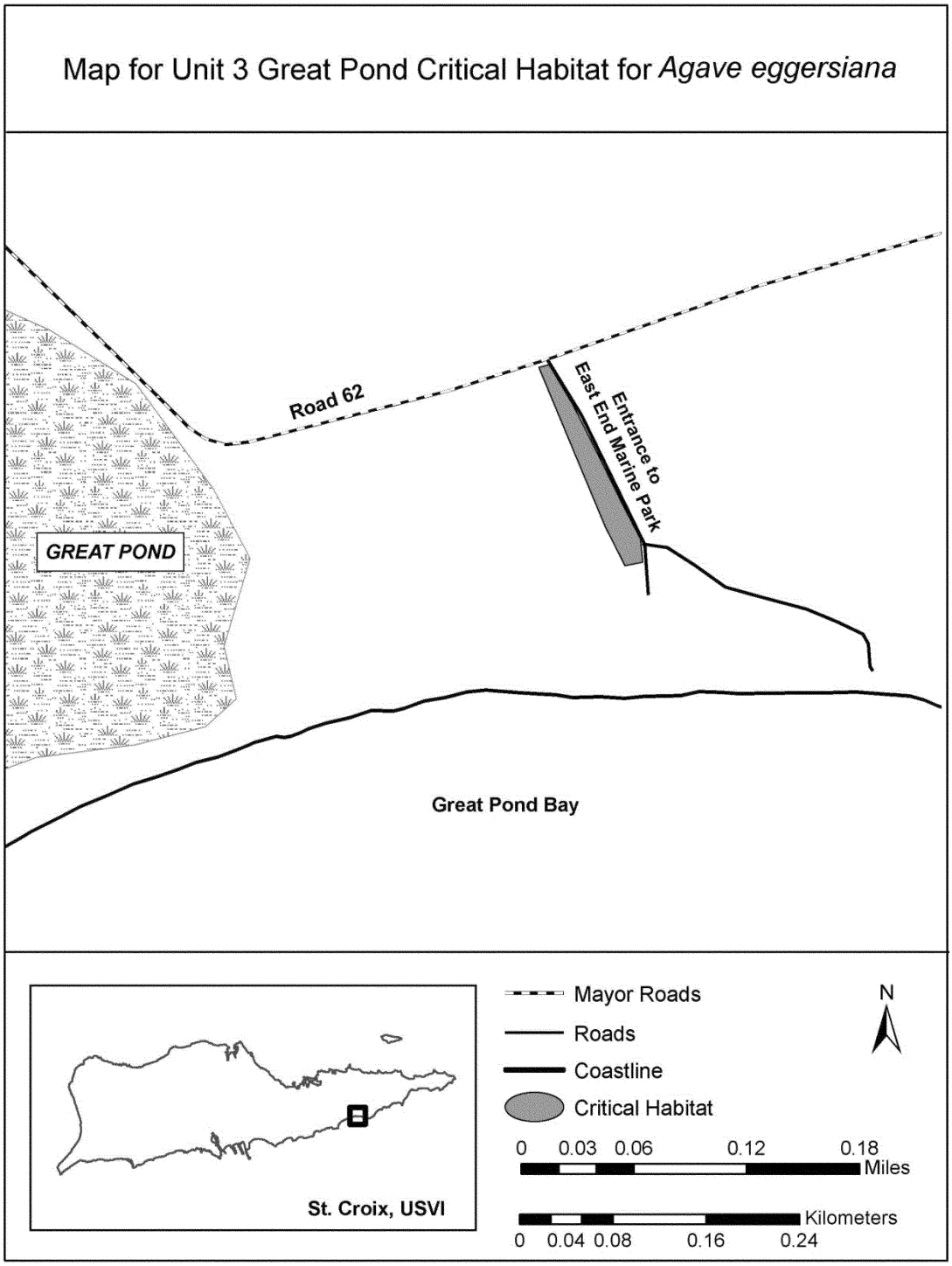
(ii) Map of Unit 2 follows:



(8) Unit 3: Great Pond, Estate Great Pond, Christiansted, St. Croix, USVI.

(i) Unit 3 includes 0.8 ac (0.32 ha).

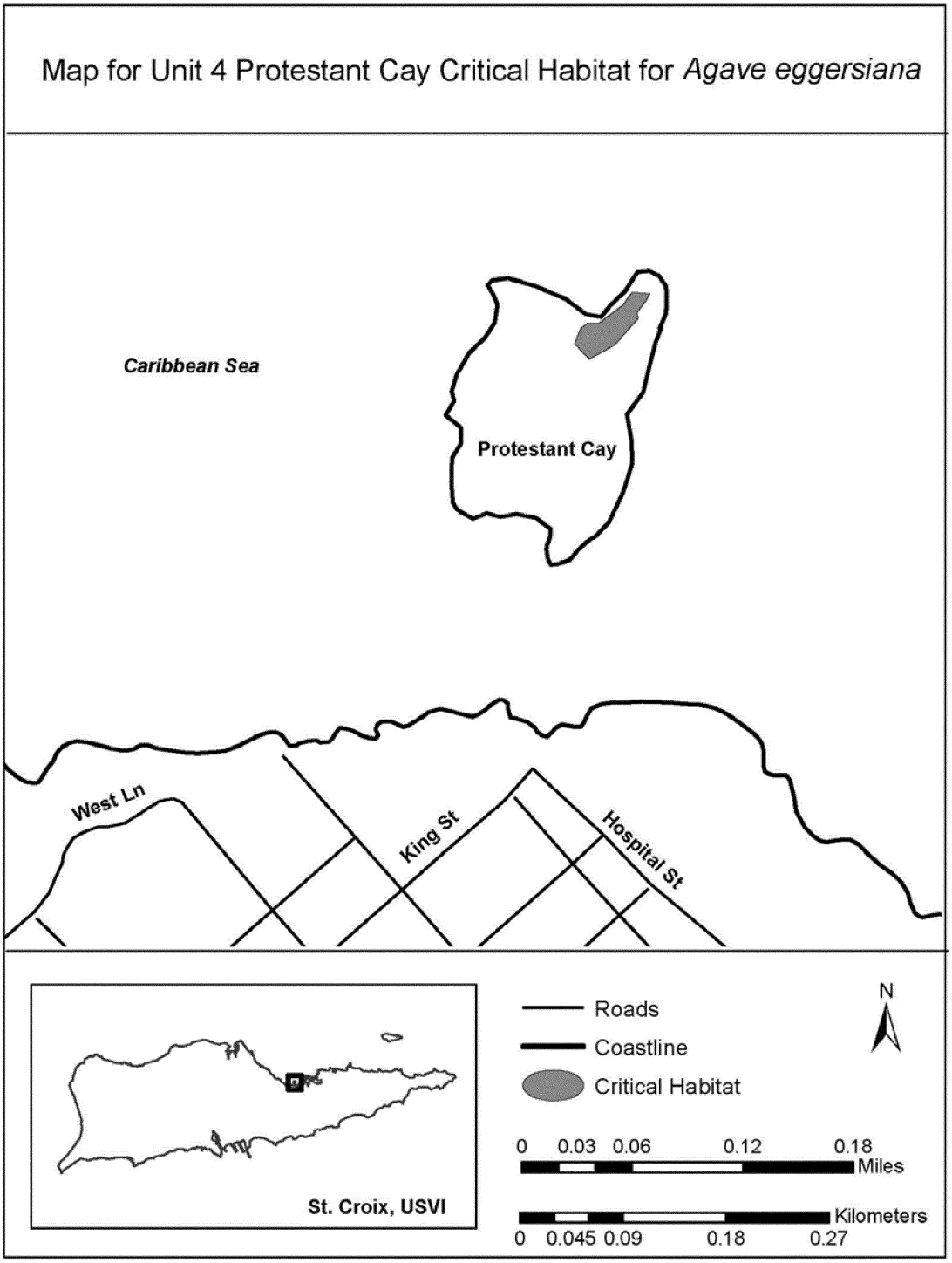
(ii) Map of Unit 3 follows:



(9) Unit 4: Protestant Cay, Protestant Cay, St. Croix, USVI.

(i) Unit 4 includes 0.4 ac (0.16 ha).

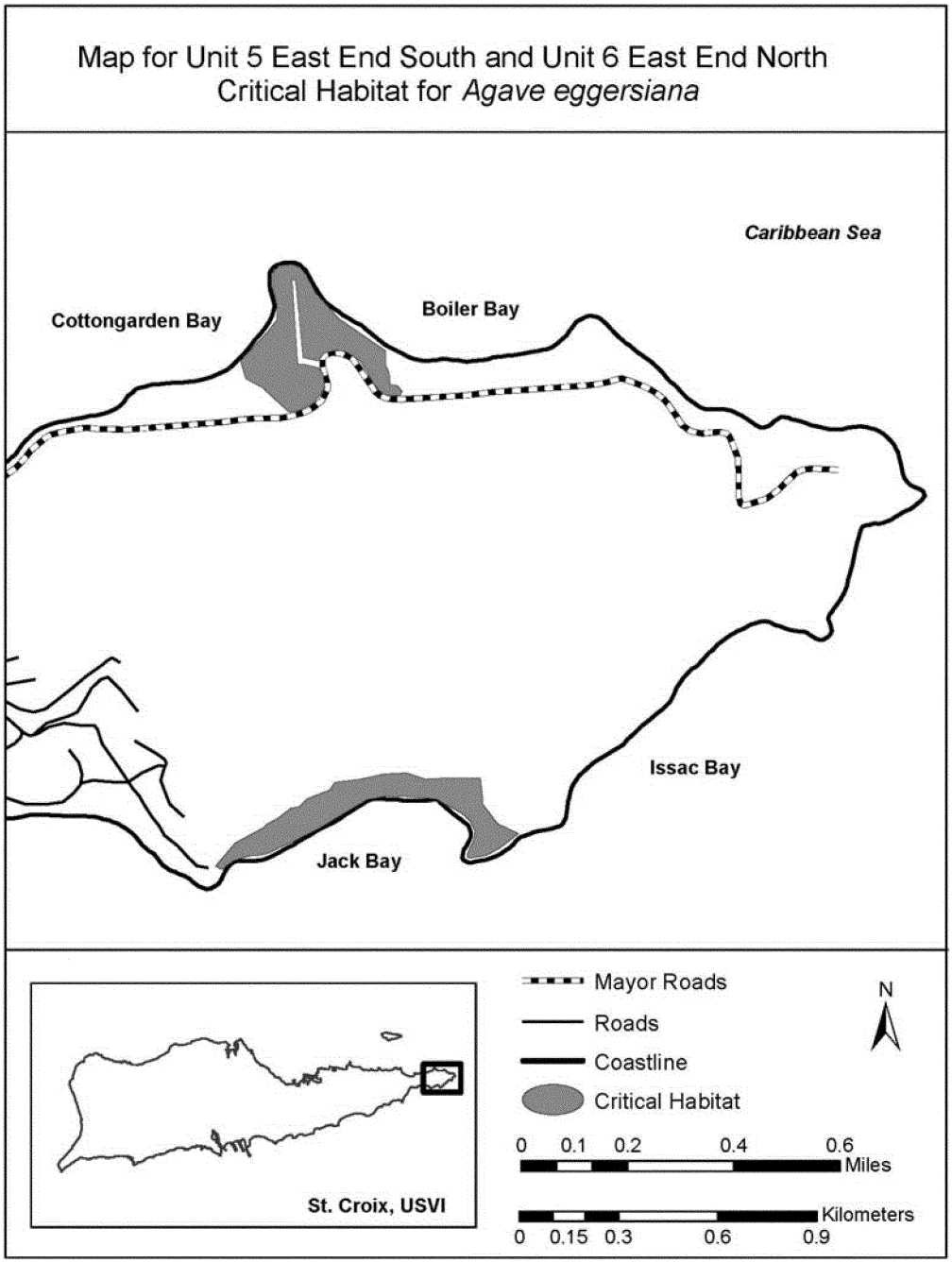
(ii) Map of Unit 4 follows:



(10) Unit 5: East End South, Estate Jack's Bay and Estate Issac's Bay, Christiansted, St. Croix, USVI.

(i) Unit 5 includes 19 ac (7.7 ha).

(ii) Map of Units 5 and 6 follows:



(11) Unit 6: East End North, Estate Cotton Garden, Christiansted, St. Croix, USVI.

(i) Unit 6 includes 22 ac (8.9 ha).

(ii) Map Unit 6 is provided at paragraph (10)(ii) of this entry.

* * * * *

Family Boraginaceae: *Varronia rupicola*

(1) Critical habitat units are depicted for the municipalities of Guánica, Yauco, Guayanilla, Peñuelas, Ponce, and Vieques, Commonwealth of Puerto Rico, on the maps in this entry.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of *Varronia rupicola* consist of the following components:

(i) Remnants of native shrubland and scrubland forest on limestone substrate within the subtropical dry forest life zone. Dry shrubland and scrubland forest includes:

(A) Shrubland vegetation with canopy from 6.5 to 9.8 feet (ft) (2 to 3 meters (m)) high;

(B) Limestone pavement;

(C) Associated native vegetation; and

(D) A shrub layer dominated by *Croton humilis, Eupatorium sinuatum, Lantana reticulata,* and *Turnera diffusa.*

(ii) Semi-deciduous dry forest on limestone substrate within the subtropical dry forest life zone. Dry limestone semi-deciduous forest includes:

(A) Low forest with canopy from 8 to 15 ft (3 to 5 m) high;

(B) Limestone pavement;

(C) Associated dry forest native vegetation; and

(D) A shrub layer dominated by *Croton humilis, Eupatorium sinuatum, Lantana reticulata,* and *Turnera diffusa.*

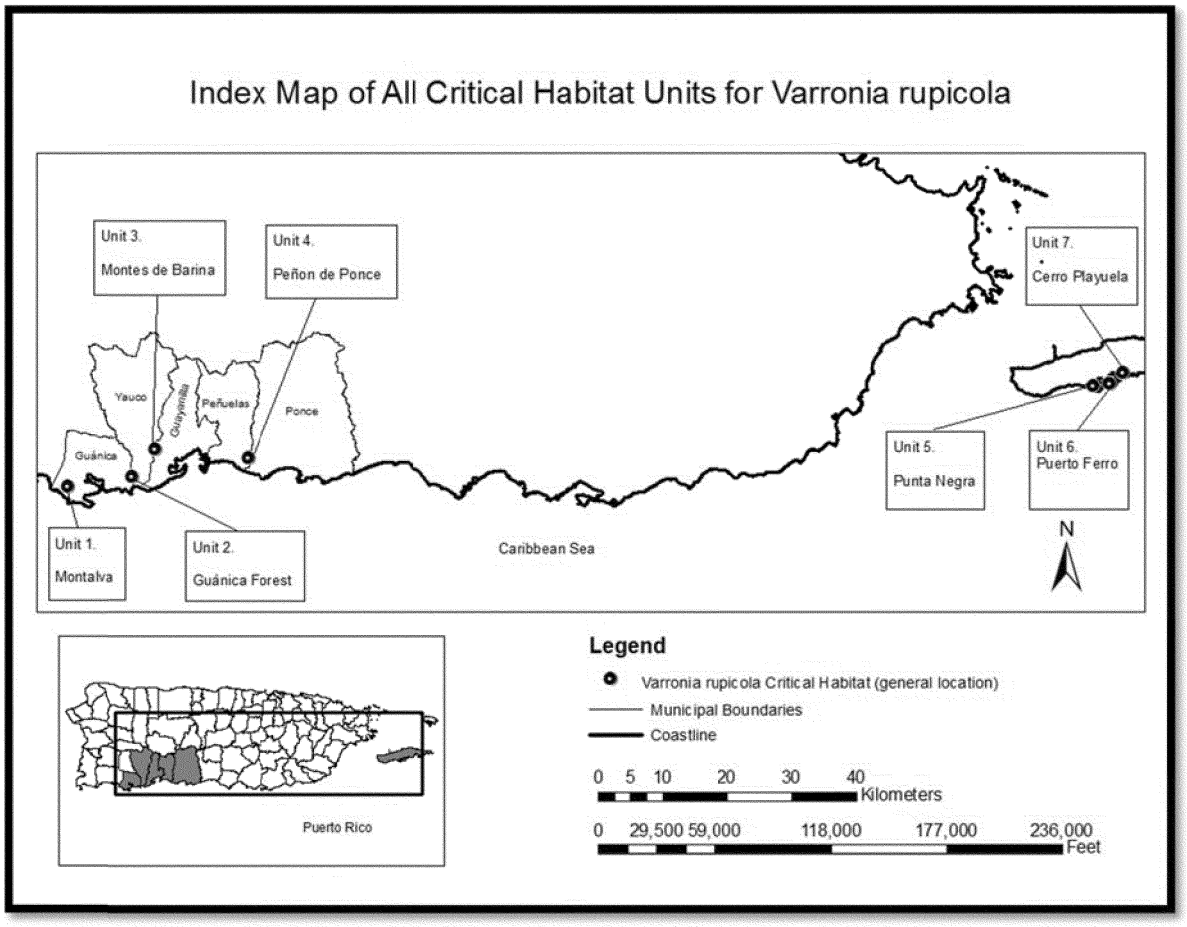
(iii) The type locations described paragraphs (2)(i) and (2)(ii) of this entry for this species should have shallow and

alkaline soils derived from limestone rock and an average rainfall of 34 in (86 cm).

(3) Critical habitat does not include manmade structures (such as houses, bridges, aqueducts, and paved areas) and the land on which they are located existing within the legal boundaries on October 9, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of an aerial image (ESRI image Basemap) and USFS–IITF Landcover GAP raster. Critical habitat units were then mapped using the Geographic Coordinate System-World Geodetic System (WGS) 1984 datum. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's Internet site at *http://www.fws.gov/caribbean/es,* at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0040, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

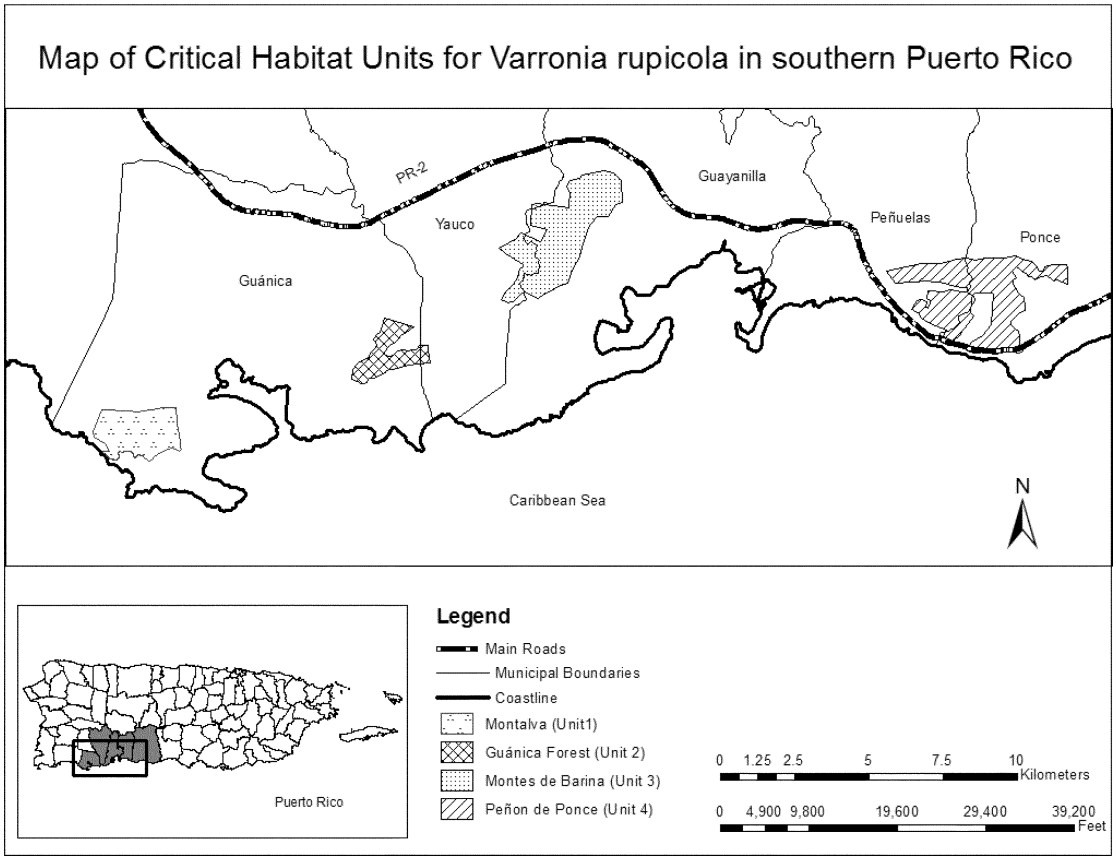
(5) Index map of critical habitat units for *Varronia rupicola* follows:



(6) Unit 1: Montalva, municipality of Guánica, Puerto Rico.

(i) Unit 1 includes 992 acres (ac) (401 hectares (ha)).

(ii) Map of Units 1, 2, 3, and 4 follows:



(7) Unit 2: Guánica Commonwealth Forest, municipalities of Guánica and Yauco, Puerto Rico.

(i) Unit 2 includes 584 ac (236 ha).

(ii) Map of Unit 2 is provided at paragraph (6)(ii) of this entry.

(8) Unit 3: Montes de Barina, municipalities of Yauco and Guayanilla, Puerto Rico.

(i) Unit 3 includes 2,002 ac (810 ha).

(ii) Map of Unit 3 is provided at paragraph (6)(ii) of this entry.

(9) Unit 4: *Peñón* de Ponce, municipalities of Peñuelas and Ponce, Puerto Rico.

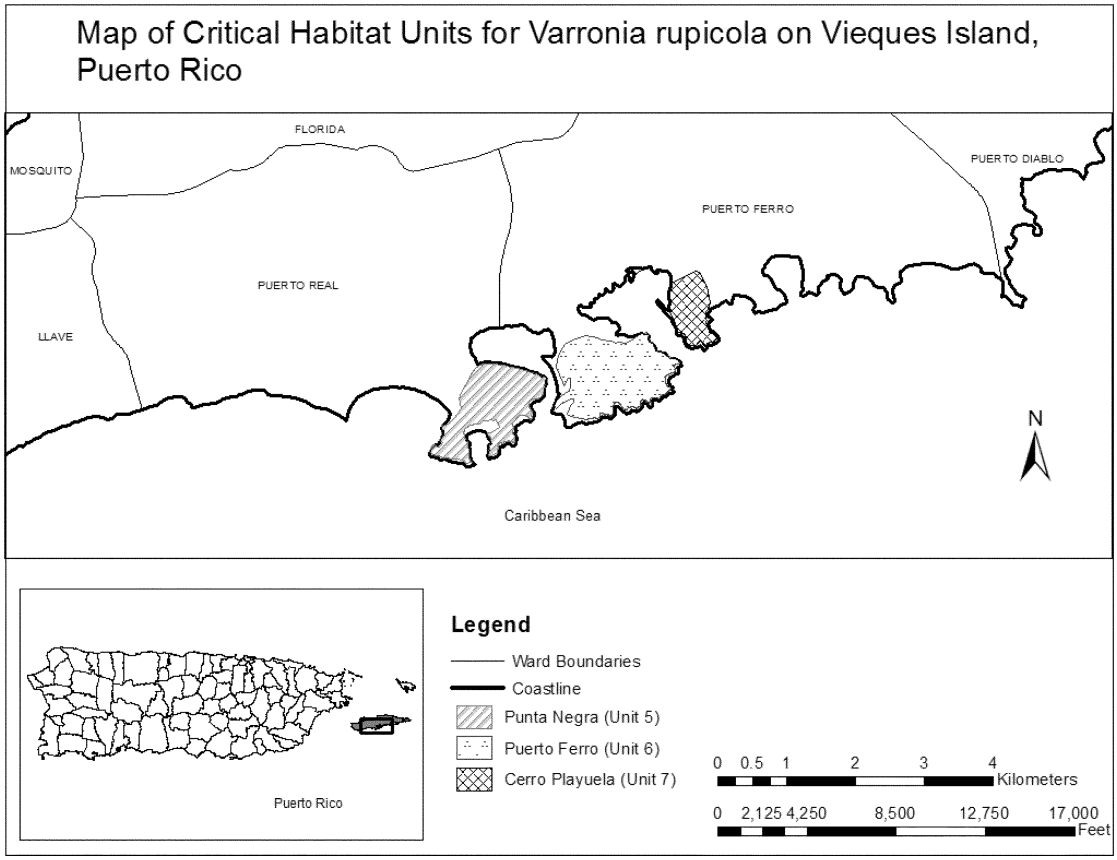
(i) Unit 4 includes 2,174 ac (880 ha).

(ii) Map of Unit 4 is provided at paragraph (6)(ii) of this entry.

(10) Unit 5: Punta Negra, municipality of Vieques, Puerto Rico.

(i) Unit 5 includes 291 ac (117 ha).

(ii) Map of Units 5, 6, and 7 follows:



(11) Unit 6: Puerto Ferro, municipality of Viequez, Puerto Rico.

(i) Unit 6 includes 381 ac (154 ha).

(ii) Map of Unit 6 is provided at paragraph (10)(ii) of this entry.

(12) Unit 7: Cerro Playuela, municipality of Vieques, Puerto Rico.

(i) Unit 7 includes 123 ac (50 ha).

(ii) Map of Unit 7 is provided at paragraph (10)(ii) of this entry.

* * * * *

Family Ericaceae: *Gonocalyx concolor*

(1) Critical habitat units are depicted for the municipalities of Cayey, San Lorenzo, and Patillas, Commonwealth of Puerto Rico, on the maps in this entry.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of *Gonocalyx concolor* consist of these components:

(i) Elfin forest at elevations over 2,900 feet (ft) (880 meters (m)) in Cerro La Santa, Puerto Rico, which includes:

(A) Forest with single canopy layer with trees seldom exceeding 22 ft (7 m) in height.

(B) Associated native vegetation dominated by species such as *Tabebuia schumanniana, Tabebuia rigida, Ocotea spathulata, Eugenia borinquensis, Clusia minor,* and *Prestoea acuminata* var. *montana,* native ferns, and dense cover with epiphytes, including bromeliads and mosses.

(ii) Ausubo forest at elevations between 2,000 to 2,300 ft (620 to 720 m) in the Charco Azul, which includes:

(A) Forest with single canopy layer with trees exceeding 22 ft (7 m) in height.

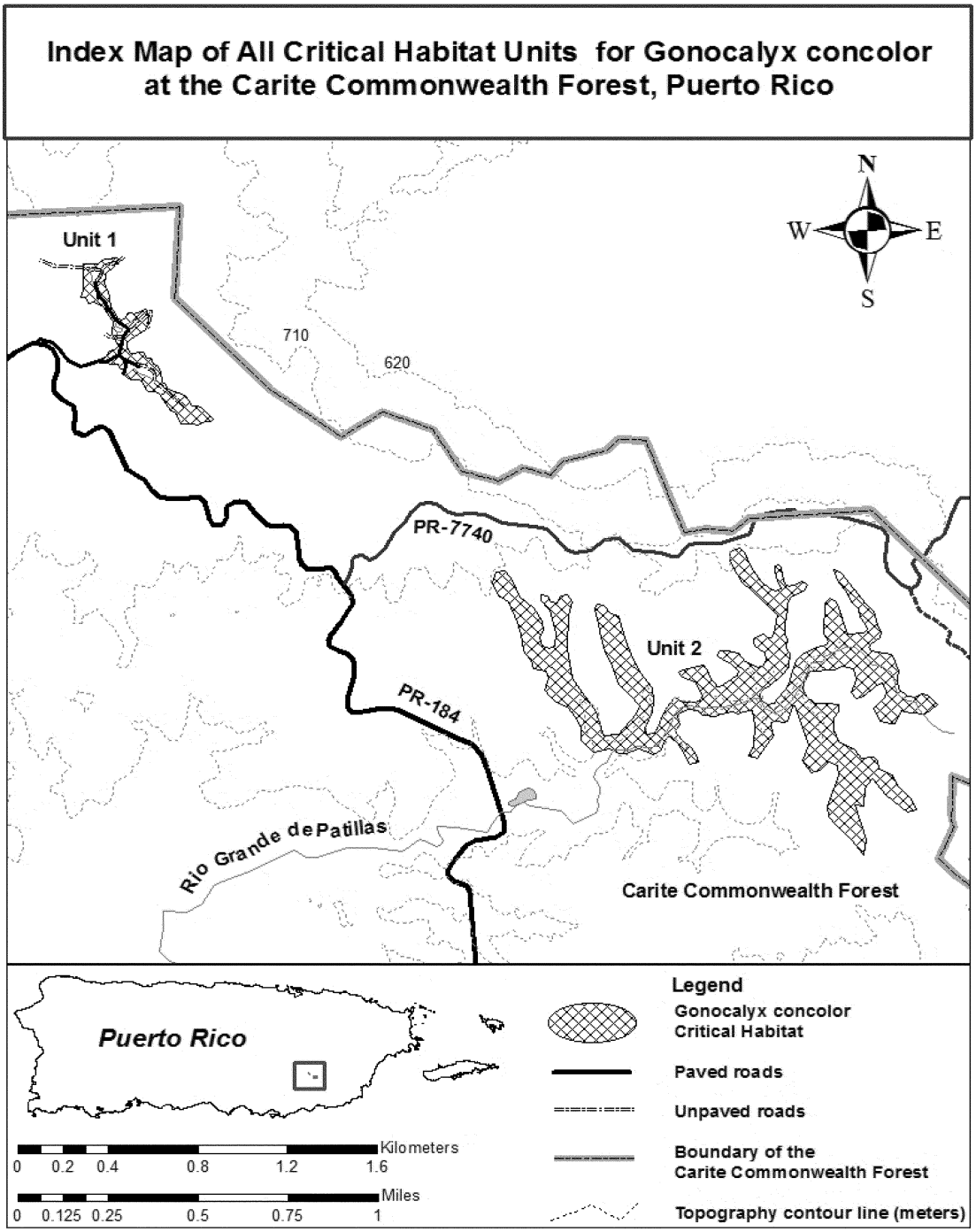
(B) Plant association comprised by few species of native trees and associated native vegetation (e.g., *Manilkara bidentata, Dacryodes excelsa, Guarea guidonia,* and *Cyrilla racemiflora*), native ferns, and dense cover with epiphytes, including bromeliads and mosses.

(iii) The type locations described in paragraphs (2)(i) and (2)(ii) of this entry for this species should have mean annual precipitation of 88.7 in (225.3 cm), mean annual temperature of 72.3 °F (22.7 °C), and Los Guineos type of soil (i.e., very deep, acidic, clayey, well-drained soils on side slopes of mountains).

(3) Critical habitat does not include manmade structures (such as bridges, docks, and aqueducts) and the land on which they are located existing within the legal boundaries on October 9, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of U.S. Geological Survey digital ortho-photo quarter-quadrangles, and critical habitat units were then mapped using aerial photos (ArcGis) to limits of the boundaries of the elfin forest and ausubo forest. Critical habitat units were then mapped using ArcMap version 10 (Environmental Systems Research Institute, Inc.), a Geographic Information Systems program. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's Internet site at *http://www.fws.gov/caribbean/es,* at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0040, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

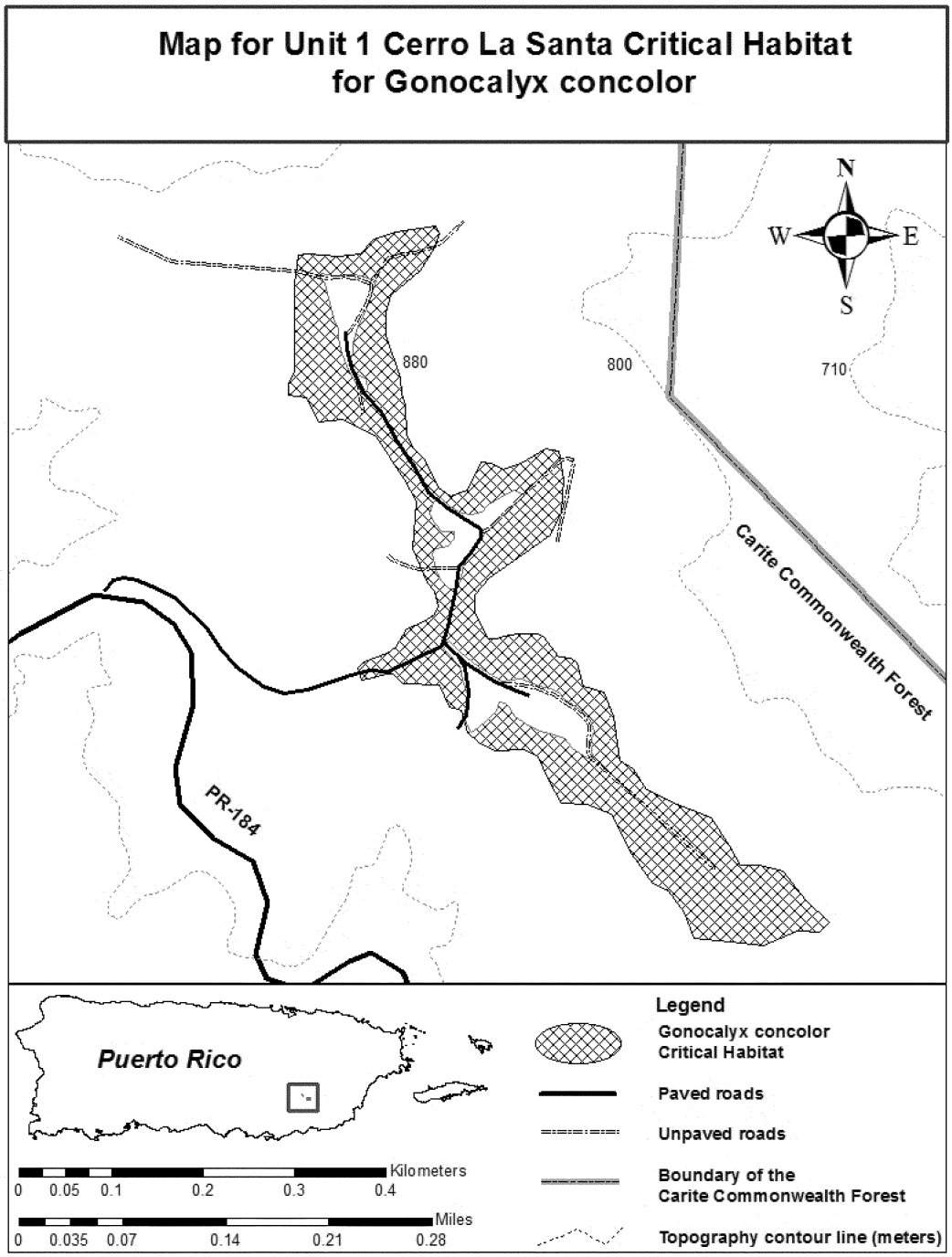
(5) Index map of critical habitat units for *Gonocalyx concolor* follows:



(6) Unit 1: Cerro La Santa, Carite Commonwealth Forest, Puerto Rico.

(i) Unit 1 includes 18.8 acres (ac) (7.6 hectares (ha)).

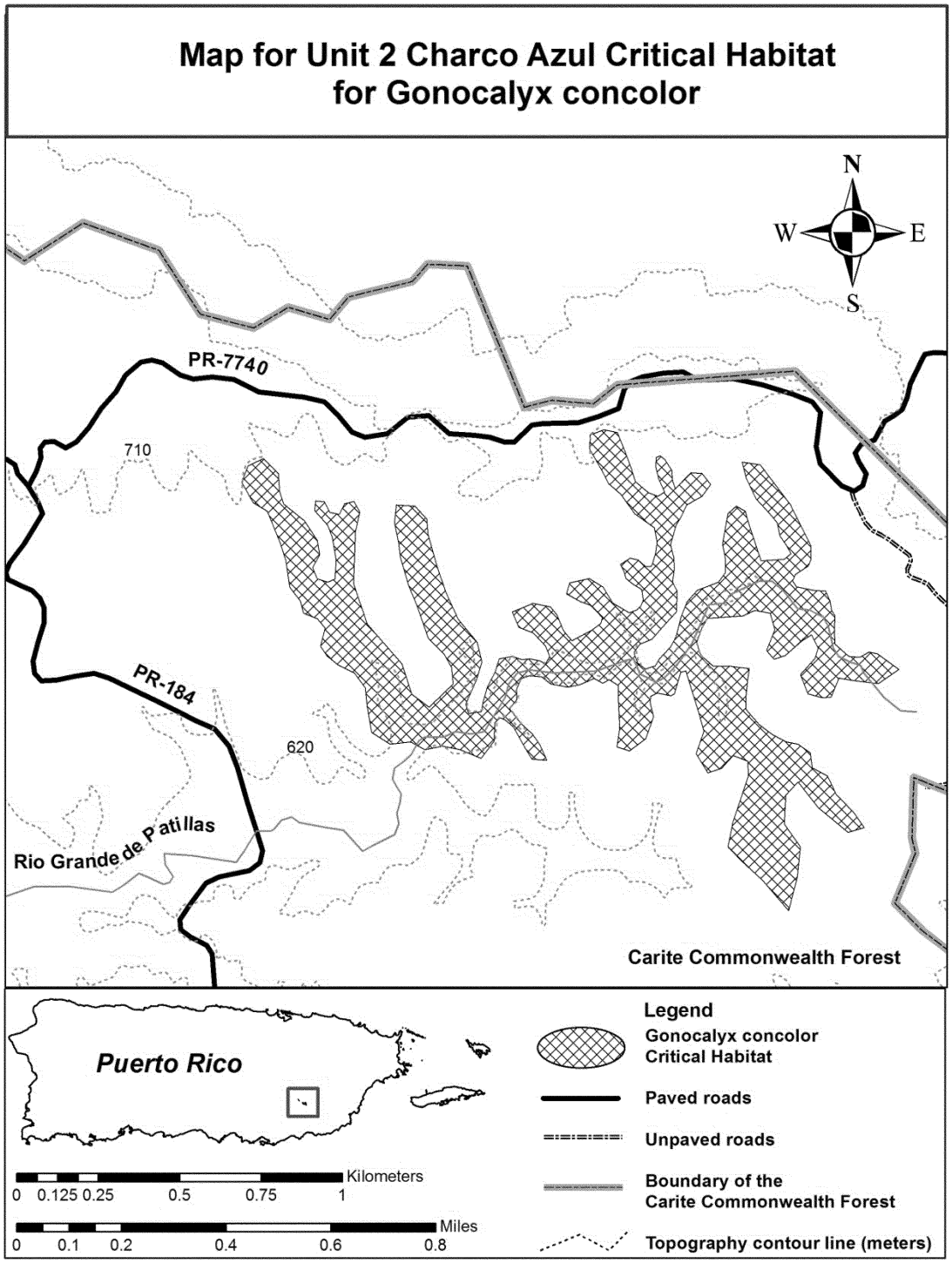
(ii) Map of Unit 1 follows:



(7) Unit 2: Charco Azul, Carite Commonwealth Forest, Puerto Rico.

(i) Unit 2 includes 179.2 ac (72.5 ha).

(ii) Map of Unit 2 follows:


Map for Unit 2 Charco Azul Critical Habitat
for Gonocalyx concolor
N
W
E
S
PR-7740
710
PR-184
620
Rio Grande de Patillas
Carite Commonwealth Forest
Puerto Rico
Kilometers
0 0.125 0.25 0.5 0.75 1
Miles
0 0.1 0.2 0.4 0.6 0.8
Legend
Gonocalyx concolor Critical Habitat
Paved roads
Unpaved roads
Boundary of the Carite Commonwealth Forest
Topography contour line (meters)

* * * * *

Dated: August 26, 2014.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–21232 Filed 9–8–14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 130402317–3966–02]

RIN 0648–XD475

Gulf of Mexico Highly Migratory Species (HMS); Commercial Blacknose Sharks and Non-Blacknose Small Coastal Sharks (SCS) in the Gulf of Mexico Region

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the fisheries for commercial blacknose sharks and non-blacknose SCS in the Gulf of Mexico region. This action is necessary because the commercial landings of Gulf of Mexico non-blacknose SCS for the 2014 fishing season could exceed 80 percent of the available commercial quota as of September 5, 2014, and the fisheries are quota-linked under current regulations.

DATES: The commercial fisheries for blacknose sharks and Gulf of Mexico non-blacknose SCS in the Gulf of Mexico region are closed effective 11:30 p.m. local time September 9, 2014, until the end of the 2014 fishing season on December 31, 2014, or until and if NMFS announces via a notice in the **Federal Register** that additional quota is available and the season is reopened.

FOR FURTHER INFORMATION CONTACT: Alexis Jackson or Karyl Brewster-Geisz 301–427–8503; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico shark fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP), its amendments, and its implementing regulations (50 CFR part 635) issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), dealers must electronically submit reports on sharks that are first received from a vessel on a weekly basis through a NMFS-approved electronic reporting system. Reports must be received by no later than midnight, local time, of the first Tuesday following the end of the reporting week unless the dealer is otherwise notified by NMFS. Under § 635.28(b)(2), the quotas of certain species and/or management groups are linked. The quotas for blacknose sharks and the non-blacknose SCS management group in the Gulf of Mexico region are linked (§ 635.28(b)(3)(iv)). Under § 635.28(b)(2), when NMFS calculates that the landings for any species and/or management group of a linked group has reached or is projected to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until and if NMFS announces, via a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years.

On November 26, 2013 (78 FR 70500), NMFS announced that the commercial Gulf of Mexico blacknose shark quota for 2014 is 1.8 metric tons (mt) dressed weight (dw) (3,968 lb dw). The non-blacknose SCS quota was set at 221.6 mt dw, and divided into regions (Atlantic and Gulf of Mexico) for management purposes. The Atlantic region non-blacknose SCS quota is 79.5 percent of the base quota or 153.3 mt dw (150,574 lb dw), and the Gulf of Mexico non-blacknose SCS quota is 20.5 percent or 68.3 mt dw (150,574 lb dw). Current regulations specify that ''[i]nseason and/or annual quota transfers of regional quotas between regions may be conducted only for species or management groups where the species are the same between regions and the quota is split between regions for management purposes and not as a result of a stock assessment.'' Although the non-blacknose SCS quota currently is split between regions for management purposes, transferring quota between the two regions would be inconsistent with accomplishing the objectives of the fishery management plan now that sharpnose and bonnethead have been split into separate stocks as a result of the stock assessment. Such a transfer would, essentially, disregard the scientific bases for splitting sharpnose and bonnethead sharks into two stocks, and there is no practicable way to analyze the impacts of and establish separate quotas for these stocks or the complex as a whole absent the amendment process. Thus, no such transfer will be made pursuant to 50 CFR 635.27(b)(2)(iii), which includes among the transfer criteria to be considered, ''[e]ffects of the adjustment on the status of all shark species;'' and ''[e]ffects of the adjustment on accomplishing the objectives of the fishery management plan.''

In the upcoming Amendment 6 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan, NMFS will be considering implementing total allowable catches and commercial quotas for the non-blacknose SCS complexes in the Atlantic and Gulf of Mexico regions, which includes the sharpnose and bonnethead stocks, based on the results of the SEDAR 34 assessment. Pending such an Amendment, the separate Atlantic and Gulf of Mexico sharpnose and bonnethead shark stocks remain within the overall non-blacknose SCS management complex, with the quotas for the complex designated for this fishing year. The next assessments for these two species are not yet scheduled but will include benchmark assessments for each stock.

Dealer reports recently received through August 29, 2014, indicate that 0.8 mt dw or 42 percent of the available Gulf of Mexico blacknose shark quota has been landed and 51.7 mt dw or 76 percent of the available Gulf of Mexico non-blacknose SCS quota has been landed. Based on projections, NMFS estimates that the 80-percent limit could be exceeded by September 5, 2014, or earlier. Accordingly, NMFS is closing both the commercial blacknose shark fishery and non-blacknose SCS management group in the Gulf of Mexico region as of 11:30 p.m. local time September 9, 2014. All other shark species or management groups that are currently open in the Gulf of Mexico region will remain open, including the blue shark, porbeagle shark, and pelagic sharks other than porbeagle or blue shark management groups.

At § 635.27(b)(1), the boundary between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the East Coast of Florida at the mainland at 25°20.4′ N. lat, proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of monitoring and setting quotas, to be within the Gulf of Mexico region.

During the closure, retention of blacknose sharks and non-blacknose SCS in the Gulf of Mexico region is