are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. In addition, for plants listed as endangered, the Act prohibits the malicious damage or destruction on areas under Federal jurisdiction and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Certain exceptions apply to agents of the Service and Commonwealth conservation agencies. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulation.

The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. Such permits are available for scientific purposes and to enhance the propagation or survival of the species. For threatened plants, permits also are available for botanical or horticultural exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

It is the policy of the Service published in the Federal Register on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time of listing those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of the listing on proposed or ongoing activities. Two of the three known populations of Gesneria pauciflora are located in the Maricao Commonwealth Forest. The third population lies on the border of the Maricao Forest and the ownership of this site is uncertain. Since there is no Federal ownership, and the species is not currently in trade, the only potential section 9 involvement would relate to

removing or damaging the plant in knowing violation of Commonwealth law, or in knowing violation of Commonwealth criminal trespass law. Section 15.01(b) of the Commonwealth "Regulation to Govern the Management of Threatened and Endangered Species in the Commonwealth of Puerto Rico,' states "It is illegal to take, cut, mutilate, uproot, burn or excavate any endangered plant species or part thereof within the jurisdiction of the Commonwealth of Puerto Rico." The Service is not aware of any otherwise lawful activities being conducted or proposed by the public that will be affected by this listing and result in a violation of section 9.

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Caribbean Office (see ADDRESSES section). Requests for copies of the regulations on listed species and inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Regional Permit Coordinator, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (404/697–7110).

# National Environmental Policy Act

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

#### References Cited

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

Center for Plant Conservation. 1992. Report on the rare plants of Puerto Rico. Center for Plant Conservation, Missouri Botanical Garden, St. Louis, Missouri.

Proctor, G. R. 1991. Status report on *Gesneria* pauciflora Urban. *In* Puerto Rican plant species of special concern: status and recommendations. Publicacion Cientifica Miscelanea No. 2, Department of Natural Resources, San Juan, Puerto Rico.

#### Author

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List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended as set forth below:

### PART 17—[AMENDED]

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

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

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

## §17.12 Endangered and threatened plants.

\* \* \* (h) \* \* \*

| Species               |             | I listavia vasas | Family again | Ctatus | \\//\\!:ataal | Critical habi- | Special |
|-----------------------|-------------|------------------|--------------|--------|---------------|----------------|---------|
| Scientific name       | Common name | Historic range   | Family name  | Status | When listed   | tat            | rules   |
| FLOWERING PLANTS      |             |                  |              |        |               |                |         |
| *                     | *           | *                | *            | *      |               | *              | *       |
| Gesneria pauciflora . | None        | USA (PR)         | Gesneriaceae | Т      | 578           | NA             | NA      |
| *                     | *           | *                | *            | *      |               | *              | *       |