

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Solidago albopilosa* (White-haired Goldenrod)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine endangered status for a plant, *Solidago albopilosa* (white-haired goldenrod). It is known only from rockhouses and beneath overhanging ledges primarily in the Daniel Boone National Forest, Red River Gorge Area of Menifee, Powell, and Wolfe Counties, Kentucky. All known populations of the species are threatened by trampling from recreational use of their specific habitat within the National Forest. This proposal, if made final, would implement the protection of the Endangered Species Act of 1973, as amended. The Service seeks relevant

data and comments from the public on this proposal.

DATE: Comments from all interested parties must be received by June 23, 1987. Public hearing requests must be received by June 8, 1987.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Currie at the above address (704/259-0321 or FTS 672-0321).

SUPPLEMENTARY INFORMATION:**Background**

Solidago albopilosa E. L. Braun (white-haired goldenrod) is an upright-to-slightly-arching herbaceous plant that attains a height of 3 to 10 decimeters (12 to 39 inches). Braun (1942) described this species based on specimens discovered in the summer of 1940 in the Red River Gorge area of Menifee and Powell Counties, Kentucky. The leaves of *Solidago albopilosa* are prominently veined with a dark green upper surface and a pale underside. They vary in

length from 6 to 10 centimeters (2.5 to 4.0 inches) with the large leaves closer to the base of the stem. The stem is cylindrical and densely covered with fine white hairs. Clusters of small, yellow flowers begin blooming in late August. Pale brown, pubescent, oblong achenes (dry single-seed fruits) appear in October. *Solidago albopilosa* can be distinguished from its close relative *Solidago flexicaulis* by its generally downy appearance in contrast to the slick, smooth appearance of *S. flexicaulis* (Medley 1980).

The species is endemic to outcroppings of Pottsville sandstone found in the Red River Gorge area of Menifee, Powell, and Wolfe Counties, Kentucky. Usually it is found in rockhouses (natural, shallow, cave-like formations) and beneath overhanging ledges. The plants grow behind the dripline in loose sand, on the floor, in crevices, and on ledges along the walls of rockhouses. Associated rockhouse species include round-leaved catchfly (*Silene rotundifolia*) and alumroot (*Heuchera parviflora*). Associated overstory species of the mixed mesophytic forest are oaks (*Quercus* spp.), maples (*Acer* spp.), and mountain-laurels (*Kalmia* spp.) (Kral 1983).

Solidago albopilosa is only found within Kentucky's Red River Gorge.

species, but receives no additional protection from this recognition (Branson *et al.* 1981).

E. *Other natural or manmade factors affecting its continued existence.* Due to its unique topographic structure, the Red River Gorge experiences different climatic conditions than those found on the Cumberland plateau and landscapes to the east and west (Martin 1976). *Solidago albopilosa* is adapted to the unique combination of climatic, geologic, and topographic conditions present within the Gorge. Even seemingly minor changes in the surrounding forest could impact this shade-tolerant plant directly through drying and erosion and indirectly by increasing competition with less shade-tolerant species (Kral 1983). Although no such operations currently threaten the plant, management planning designed to take into account the requirements of the species is needed to ensure its continued existence.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Solidago albopilosa* as endangered. Threatened status is not deemed appropriate for this species because of the severity of the threats to its continued existence. Critical habitat is not being proposed for the species for the reasons given below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. *Solidago albopilosa* only occurs in rockhouses, where the species is vulnerable to taking and vandalism. Publication of a critical habitat description in the **Federal Register** would draw attention to the remaining populations of *Solidago albopilosa*, making the species more vulnerable, and would increase law enforcement problems. Since almost all of the known plants occur on Federal land, any activity that could affect the continued existence of the species will be brought to the attention of the Service through the section 7 consultation process. The private landowners on whose land the species occurs have been notified of the presence of *Solidago albopilosa* and of the importance of protecting its habitat. Protection of this species' habitat will be

addressed through the recovery process and through provisions of section 7 of the Act. Therefore, it would not be prudent to determine critical habitat for *Solidago albopilosa* at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Effects upon management practices of the U.S. Forest Service would be minimal, consisting of the development and implementation of management practices designed to reduce visitor impacts to the most important rockhouses which support the plant and the careful planning of any future timber removal operations so that the continued existence of *Solidago albopilosa* is ensured. Involvement of the U.S. Army Corps of Engineers would only occur if the suspension of the Red River Lake project is lifted. Development of plans designed to reduce the impacts of reservoir construction activities and

recreational development, the construction of the dam, and the subsequent recreation activity would be needed if the project is reauthorized. Because of the geographical and biological significance of the Red River Gorge and the official objection to the project by the Commonwealth of Kentucky, it is not anticipated that the project will be reauthorized.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63, set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued since the species is not common in the wild or in cultivation. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

Public Comments Solicited

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

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Solidago albopilosa*;

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

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

(4) Current or planned activities in the subject area and their possible impacts on *Solidago albopilosa*.

Final promulgation of the regulation on *Solidago albopilosa* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

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

Andreasen, M.L., and W.H. Eshbaugh. 1973. *Solidago albopilosa* Braun, a

little known goldenrod from Kentucky. *Castanea* 38(2):117-132.

Branson, B.A., D.F. Harker, Jr., J.M. Baskin, M.E. Medley, D.L. Batch, M.L. Warren, Jr., W.H. Davis, W.C. Houtcouper, B. Monroe, Jr., L.R. Phillippe, and P. Cupp. 1981.

Endangered, threatened and rare animals and plants of Kentucky. *Transactions of the Kentucky Academy of Science* 42:77-89.

Braun, E.L. 1942. A new species and a new variety of *Solidago* from Kentucky. *Rhodora* 44:1-4.

Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. Vol II. Technical Publication R8-TP2, U.S. Forest Service, Atlanta, Georgia. Pp. 1252-1255.

Martin, W.H. 1976. The Red River Gorge controversy in Kentucky: a case study in preserving a natural area. *Association of Southeastern Biologists Bulletin* 23(3):163-167.

Medley, M.E. 1980. Endangered and threatened plant status surveys. Unpublished report to the Southeastern Region of the U.S. Fish and Wildlife Service under Contract No. 14-16-0004-79-105, 24 pp.

Authors

The primary authors of this proposed rule are Laurance S. Torok, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975 or FTS 235-1975),

and Robert R. Currie, Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 872-0321).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

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

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Asteraceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

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(h) * * *

Species	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Asteraceae—Aster family: <i>Solidago albopilosa</i>	White-haired goldenrod.....	U.S.A. (KY).....	E		NA	NA

Dated: March 24, 1987.
Susan Recca,
Acting Assistant Secretary for Fish and Wildlife and Parks.
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