

be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sharon W. Morgan, Fish and Wildlife Biologist (see ADDRESSES section) (814/234-4090).

SUPPLEMENTARY INFORMATION:

Background

Spiraea virginiana Britt. was described from a specimen collected by C.F. Millspaugh on June 20, 1890, along the Monongahela River in Monongalia County, West Virginia (Clarkson 1959, Glencoe 1961). The original description also noted an 1878 collection from the mountains of North Carolina made by G.R. Vasey (Britton 1890).

Later studies of the Virginia spiraea described variations in leaf size, shape and degree of serration, resulting in the publication of variety *serrulata* (Rehder 1920), which was later reduced to form *serrulata* (Rehder 1949). Clarkson (1959) referred some specimens to *S. corymbosa* Raf. (= *S. betulifolia* Pallas) although Glencoe (1961) included these specimens in his concept of *S. virginiana*, noting that the species was extremely variable. After visiting many populations throughout the range of the species, Ogle has concluded that *S. virginiana* is a distinct species and is easily distinguished from *S. corymbosa* on the basis of plant height, branching patterns, inflorescence size, and leaf morphology (D. Ogle, Virginia Highlands Community College, pers. comm. 1988.). More important differences are the distinct habitat preferences of the two species and the non-overlapping geographic (allopatric) ranges (Ogle, pers. comm. 1988).

Virginia spiraea is a shrub in the rose family that grows from two to ten feet tall, with arching and upright stems. The species is a prolific sprouter and forms dense clumps that spread in rock crevices and around boulders. Leaves are alternate and quite variable in size, shape and degree of serration. Cream-colored flowers occur in branched, flat-topped inflorescences approximately four to eight inches wide. Plants flower during June and July.

S. virginiana is found in a narrowly defined habitat. It occurs along scoured banks of high gradient streams, or on meander scrolls, point bars, natural levees, or braided features of lower reaches. Scour must be sufficient to prevent canopy closure, but not extreme enough to completely remove small, woody species. Plants are most vigorous in full sun, but can tolerate some shading until released from competition (primarily from trees, large shrubs or

vines). They occur within the maximum floodplain, usually at the water's edge with a variety of other disturbance-prone species (Ogle, pers. comm. 1988).

Presently, *S. virginiana* is known from 18 locations on 17 stream systems in 5 states. One unconfirmed record has been reported from the Greenbrier River in West Virginia and approximately 8 historic records are known. In Georgia, populations occur on Rock Creek in Walker County and Bear Creek in Dade County. The North Carolina sites are found on the South Fork of the New River in Ashe County, the Little Tennessee River in Macon County, the Nolichucky River in Mitchell and Yancey Counties (extending downstream into Unicoi County, Tennessee), the South Toe River in Yancey County, and the Cane River in Yancey County. The species is known from additional sites in Tennessee along Abrams Creek in Blount County, Cane Creek in Van Buren County, White Oak Creek in Scott County, and Clifty Creek in Roane County. The Virginia populations are found on the Russell Fork and Pound Rivers in Dickenson County, the New River in Grayson County, and the Guest River in Wise County. West Virginia records occur on the Bluestone River in Mercer County, in a shrub-dominated wet meadow in Raleigh County, and along the Gauley and Meadow Rivers in Nicholas and Fayette Counties.

Historic collections are known from North Carolina (Graham and Buncombe Counties), Tennessee (Blount and Morgan Counties), West Virginia (Fayette, Monongalia and Upshur Counties) and Pennsylvania (Fayette County).

Since the species is found sporadically scattered along streams and rivers, it is difficult to delineate the exact boundaries of discrete populations. All of the populations listed above occur within a five to six mile section of river; however, most populations are not scattered and only occur along a half mile or less of streambank.

Population estimates are based on the number of clumps recorded during field visits. Of the 18 known sites, 8 are limited populations (less than 10 clumps), 8 are moderate in size (from 10 to 50 clumps) and only 2 are abundant (greater than 50 clumps).

Populations occur in a variety of Federal and State ownerships. Many are also found on private property, and since populations occur along rivers, several sites involve more than one landowner. Federal ownership includes the Jefferson National Forest (Virginia),

50 CFR Part 17

RIN 1018-AB31

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for *Spiraea virginiana* (Virginia Spiraea)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Spiraea virginiana* (Virginia spiraea) to be a threatened species and thereby provide the species needed protection under the authority contained in the Endangered Species Act of 1973, as amended. Eighteen populations are recorded from West Virginia south to Georgia. Although the species is widespread geographically, it is restricted to a narrow ecological niche and occurs in limited to moderate populations at most locations. Occurring along scoured banks of high gradient streams or braided features of lower reaches, *Spiraea virginiana* is presently known from 17 stream systems in 5 states. Approximately eight historic records are known in addition to one unverified record. A combination of factors contributes to the rarity of the species, including a very narrowly defined habitat niche that is subject to scouring and flooding, an apparent lack of successful sexual reproduction, limited opportunities for colonization, and competition from other species. Threats to the species include human disturbance at specific site locations and two proposed hydroelectric facilities. Unsuccessful seed germination tests and the lack of seedlings at any location suggest that only one genotype is present at each location. Critical habitat is not proposed at this time. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by September 19, 1989. Public hearing requests must be received by September 5, 1989.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Supervisor, Ecological Services Field Office, U.S. Fish and Wildlife Service, Suite 322, 315 S. Allen Street, State College, Pennsylvania 16801. Comments and materials received will

the Cherokee National Forest (Tennessee), Great Smoky Mountains National Park (Tennessee), Big South Fork National River and Recreation Area (Tennessee—Corps of Engineers and National Park Service) and John Flannagan Dam (Virginia—Corps of Engineers). Populations are found in four State parks in Georgia, Tennessee, Virginia and West Virginia. Presently, three sites are voluntarily protected by private landowners contacted by The Nature Conservancy or State heritage programs. Throughout the range of the species, historically known sites have been eliminated by dam or navigational facility construction (sites on the Monongahela and Buckhannon Rivers in West Virginia). Other historically known populations have not been relocated and are assumed extirpated (five sites in North Carolina, Tennessee, West Virginia and Pennsylvania).

The Virginia spiraea is a rare species due to a combination of factors, and biological circumstances as well as documented and potential human disturbance threaten many populations. The species occurs in a constantly fluctuating environment and requires disturbance for successful colonization, establishment and maintenance; however, too much scouring and/or flooding could eliminate populations entirely (Ogle, pers. comm. 1988). Field observations have documented a lack of or a significant reduction in seed production (many populations show aborted seeds), and germination tests have produced low germination rates. These observations suggest that only one genotype may be present at each location. Opportunities for colonization of new sites are probably very limited and dependent upon a unique combination of biological and environmental conditions (Ogle, pers. comm. 1988). Competition by both native and introduced species adversely affects populations. Additionally, many populations are threatened by a range of human activities. A proposed hydroelectric facility at Summersville Dam on the Gauley River in West Virginia is located immediately upstream from one of the largest known populations, and long range plans include a hydroelectric generating facility at John Flannagan Dam on the Pound River in Virginia, above another population.

In 1986, the Service contracted with The Nature Conservancy's Eastern Regional Office to conduct status survey work on *Spiraea virginiana* and other Federal candidate plant species. Historic sites were searched in Pennsylvania, Tennessee and West

Virginia. Suitable habitat was searched in Maryland (E. Thompson, Maryland Natural Heritage Program, pers. comm. 1988), West Virginia (Bartgis 1987) and Virginia (Ogle 1987). After completing fieldwork in Virginia, Ogle relocated historic sites in Georgia, Tennessee and North Carolina, searched approximately 75 to 100 miles of riverbank resulting in the discovery of about 20 new clones, and recorded detailed information at 14 of the 18 known sites (Ogle, pers. comm. 1988). Most field workers reported that much suitable habitat exists; however, they indicated that the potential for finding new locations is low due to the rough and remote terrain that needs to be searched, and the sporadic occurrence of the species. It is anticipated that some additional populations will be found, but apparent lack of sexual reproduction, small sizes of known populations, and a variety of threats suggest that few additional sites will be located.

The U.S. Fish and Wildlife Service (Service) recognized *Spiraea virginiana* as a Category 2 candidate for listing in the Supplement to Review of Plant Taxa for Listing as Endangered or Threatened Species published in the **Federal Register** on November 28, 1983 (48 FR 53641). Category 2 comprises those taxa for which listing is possibly appropriate but for which existing information is insufficient to support a proposed rule. The updated notice of review for plant taxa published on September 27, 1988, again included *Spiraea virginiana* in Category 2.

After evaluating the results of recent status survey work, the Service determined that listing *Spiraea virginiana* as a threatened species was appropriate. This decision was supported by The Nature Conservancy, Heritage Program personnel and other botanists (Bartgis 1987; Ogle, pers. comm. 1988; T. Rawinski, The Nature Conservancy, pers. comm. 1988; A. Weakley, North Carolina Heritage Program, pers. comm. 1988).

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations codified at (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Spiraea virginiana* Britt. (Virginia spiraea) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Human disturbance at Virginia spiraea locations has been observed throughout the range of the species. Obvious signs of disturbance include debris sliding down a railroad embankment, mowing and clearing at the edge of a farm field, cutting for right-of-way maintenance, cutting for an access path to the river, habitat disturbance by rafters, a culvert draining directly onto plants and debris settling on plants from cutting of trees up slope. Recreational use of rivers is rising, and disturbance to *S. virginiana* populations is expected to continue or increase. However, appropriate disturbance (to eliminate competition from other species) is necessary to maintain open habitat for *S. virginiana* populations.

Populations in West Virginia have been eliminated through construction of a dam (Monongalia County) and construction of a railroad adjacent to the river (Upshur County) (Bartgis 1987). Populations have not been relocated and are believed to be extirpated from the only known site in Pennsylvania, two sites in North Carolina, and one location each in Tennessee and West Virginia.

Suitable habitat has been eliminated throughout the range of the species by reservoir construction. Even if populations are not directly flooded, they may face the potential indirect threats of upstream and downstream water stabilization, which would eliminate or reduce scouring action necessary to maintain open habitat for the species.

Natural threats to the species include large scouring floods and competition from other woody species. Although *S. virginiana* is adapted to a fluctuating riverine environment, large storm events (100-year or larger floods) would probably eliminate most populations. Competition from native species such as *Physocarpus opulenta*, *Cornus amomum*, *Alnus serrulata*, *Platanus occidentalis*, *Rhus radicans*, *Salix* sp., *Ilex* sp., and *Vitis* sp. has been observed at most locations in varying degrees, in addition to competition from introduced species like *Pueraria lobata*, *Polygonum cuspidatum*, *Lonicera japonica*, *Miscanthus sinensis*, *Arthraxon hispidus*, *Phalaris arundinacea* and *Rosa multiflora* (Ogle, pers. comm. 1988).

B. *Overutilization for commercial, recreational, scientific or educational purposes.* *Spiraea virginiana* is not currently a significant component of the commercial trade in native plants; however, the species has good potential

for horticultural use, and publicity surrounding the listing of the species could generate an increased demand.

C. Disease or predation. Aphid damage on short tips has been observed at several populations in addition to leaf removal and laceration by caterpillars (Ogle, pers. comm. 1988). It is not known if this predation affects the competitive ability of *Spiraea virginiana*.

D. Inadequacy of existing regulatory mechanisms. Currently, personnel in Georgia, North Carolina and Virginia are working to add *S. virginiana* to their official State lists. The species is listed as extirpated in Pennsylvania and endangered in Tennessee. West Virginia does not maintain an official list of rare plants.

The Georgia Wildflower Preservation Act of 1973 prohibits digging, removal, or sale of State-listed plants from public lands without the approval of the Georgia Department of Natural Resources. One population in Georgia is on State park land and will be provided stronger protection once official State-listing occurs. However, the second population is on private land and is only protected voluntarily through an informal agreement (Patrick, Georgia Natural Heritage Inventory, pers. comm. 1988).

The unofficial status of *S. virginiana* in North Carolina is presently "primary proposed." Some legal protection will be given the species once listing occurs. North Carolina General Statute 19-B, 202.12-202.19, provides State-listed plants protection from intrastate trade without a permit, and provides for monitoring and management of listed populations. Most populations in North Carolina occur on private land.

Spiraea virginiana is not currently State-listed in Virginia, although the Department of Agriculture and Consumer Services is presently working to add it to the list. The Endangered Plant and Insect Species Act provides protection from taking without permits; however, private landowners are exempt from this provision. The Act also gives the Department authority to regulate the sale and movement of listed plants, and to establish programs for the management of listed plants.

S. virginiana is listed as an endangered species on Tennessee's list of endangered, threatened, and rare plant species. The Tennessee Rare Plant Protection and Conservation Act prohibits taking without permission of the landowner and requires that any commercial activity in the species be authorized by permit. Populations in Tennessee occur on Federal, State and private lands and have some protection under current State regulations.

Pennsylvania presently lists the species as extirpated under the regulations of the Wild Resources Conservation Act (25 Pa. Code, Chapter 82). Wild plant management permits are required by anyone who wishes to collect, remove, or transplant wild plants classified as endangered or threatened. Landowners are exempt from these requirements. Pennsylvania regulations also provide for the establishment of native wild plant sanctuaries on private lands where there is a management agreement between the landowner and the Department of Environmental Resources. It is anticipated that if *S. virginiana* were rediscovered in Pennsylvania, a change in the official State status would afford some protection for the species.

Existing regulatory mechanisms do not provide protection from human disturbance, habitat loss or biological limitations, which are presently the major threats to the species.

E. Other natural or manmade factors affecting its continued existence. Biological factors apparently threaten the continued existence of *S. virginiana*. Although the species flowers profusely and is visited by a variety of common insects, mature seeds have been observed at only a few populations (Ogle, pers. comm. 1988). While plants spread clonally, most plants observed are generally very old with well-established root systems. Field biologists have not reported the presence of seedlings at any population. Ogle attempted to germinate seeds collected from two North Carolina populations and reported successful germination from seeds collected at only one site. Nicholson collected seeds from a Virginia population but only five seeds germinated out of hundreds (perhaps thousands) of seeds collected, an unusual occurrence for *Spiraea* species (R. Nicholson, Arnold Arboretum Greenhouse, pers. comm. 1988). Germination tests indicate that a mineral soil may be required for successful germination; then, successful growth and establishment of young plants may require humus to be added through seasonal deposition without flooding or swiftly flowing waters (e.g. slowly receding after high flows) (Ogle, pers. comm. 1988).

It is expected that new populations could originate from clumps breaking off and becoming established downstream during flood events. However, severe floods could potentially eliminate original populations and the dispersed clumps would have to lodge in a location where conditions favorable to establishment and survival existed

(open canopy, lack of competition, available moisture without flooding or fast flows, and sufficient soil for plants to take root).

While few details of the life history are known, observations made during field visits suggest that each population may represent only one genotype (for a total of 18 different genotypes), and that opportunities for colonization and establishment of new sites are very limited (Ogle, pers. comm. 1988). Most populations appear to be very old and face a variety of threats throughout the range of the species. Heavy competition from other species occurs at most populations.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Spiraea virginiana* as a threatened species. Although known from 18 sites in 5 states, human disturbance, a constantly fluctuating environment, and competition from other species pose problems to the continued existence of many populations. Additionally, biological factors apparently limit opportunities for establishment and colonization of new sites. Field observations suggest that only 18 different genotypes exist, and 89 percent of the known populations are limited to moderate in size. However, populations are reproducing clonally, and it is possible that few additional populations will be discovered. These factors support listing as a threatened species. Critical habitat is not being designated for reasons discussed in the following section.

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 the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Spiraea virginiana* at this time. Most populations of this species are limited to moderate in size and loss of plants to vandalism, or increased collection for scientific or horticultural use could potentially eliminate smaller populations. Collecting, without permits, will be prohibited at the locations under Federal management; however, taking restrictions will be difficult to enforce at these sites and will not be applicable to sites on private land. Therefore,

publication of critical habitat descriptions and maps would increase the vulnerability of the species without significantly increasing protection. The owners of all populations on Federal and State lands have been informed of the importance of protecting the species and its habitat. Landowners of major populations on private land have also been contacted by the Service, and State heritage program personnel have contacted two other landowners. Protection of this species' habitat will be addressed throughout the recovery process and through the section 7 jeopardy standard. No additional benefits would result from a determination of critical habitat. For these reasons, it would not be prudent to determine critical habitat for *Spiraea virginiana* 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.

The Nature Conservancy and State natural resource agencies have already secured voluntary protection of three sites. As a result of the Service funded status survey work and the subsequent recommendation list the species, three States are working to add *Spiraea virginiana* to their official State lists.

Five populations occur totally or partially on Federal lands (U.S. Forest Service, National Park Service and Army Corps of Engineers). An additional four sites occur partially or completely on State park lands in Georgia, Tennessee, Virginia and West Virginia. The appropriate managing agencies have been contacted, and it is anticipated that they will implement appropriate management plans.

Listing should encourage research on critical aspects of population biology. Information is needed regarding the number of different genotypes, the lack of successful seed production, and disturbance regimes required for population establishment and maintenance. These factors will be important in long-term management considerations for individual populations.

Other conservation measures, including required protection efforts by Federal agencies and prohibition 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. Two populations occur downstream of dams at Army Corps of Engineers Reservoirs (John Flannagan Dam, Dickenson County, Virginia and Summersville Lake, Nicholas County, West Virginia). A hydroelectric project that requires a license from the Federal Energy Regulatory Commission (FERC) is currently proposed for Summersville Dam and long range plans include a similar project at John Flannagan Dam. Three populations in West Virginia occur in areas recently designated a National Recreation Area or a National Scenic River. These three populations occur on the Gauley, Meadow and Bluestone Rivers. Although these populations presently occur on private land, it is anticipated that the National Park Service will eventually acquire these lands. All of these projects will require consultation with the Service.

Other Federally funded or permitted actions that could affect this plant include, but are not limited to, Soil Conservation Service watershed management activities, FERC-permitted hydroelectric projects, road construction projects involving Federal Highway Administration funds, railroad abandonment proposals under the jurisdiction of the Interstate Commerce Commission, or projects under the jurisdiction of the Army Corps of Engineers.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general trade prohibitions and exceptions that apply

to all threatened plants. With respect to *Spiraea virginiana*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. Certain exceptions can apply to agents of the Service and State conservation agencies. 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. It is anticipated that few trade permits would ever be sought or issued since the species is not common in cultivation or the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, 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) of *Spiraea virginiana*;

(2) The location of any additional population of *Spiraea virginiana* 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 *Spiraea virginiana*.

Final promulgation of the regulations on *Spiraea virginiana* 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 Supervisor, Ecological Services Field Office, U.S. Fish and Wildlife Service (see ADDRESSES section).

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

Bartgis, R. 1987. Status surveys in West Virginia for *Carex polymorpha*, *Spiraea virginiana*, and *Thalictrum steeleanum*.

Unpub. rept. West Virginia Field Office, The Nature Conservancy.
 Britton, N.L. 1890. New or noteworthy American phanerogams. Bull. Torrey Bot. Club 17:310-316.
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 Glencoe, J.F. 1961. *Spiraea virginiana* Britton: A rare southern Appalachian endemic. MS. Thesis, West Virginia University. 29 pp.
 Ogle, D. 1987. Contract report to the Virginia Natural Heritage Program on *Spiraea virginiana*. Unpub. rept. Va. Highlands Community College.
 Rehder, A. 1920. New species, varieties and combinations from the herbarium and the collections of the Arnold Arboretum. Jour. Arn. Arb. 1:254-263.
 ———. 1949. Bibl. Cult. Trees and Shrubs, 2nd ed. 229.

Author

The primary author of this proposed rule is Sharon W. Morgan (see ADDRESSES section).

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 of 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; Pub. L. 100-478, 102 Stat. 2306; Pub. L. 100-653, 102 Stat. 3825 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

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

§ 17.12 Endangered and threatened plants.

* * * * *
 (h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Rosaceae—Rose family:						
<i>Spiraea virginiana</i>	Virginia spirea	U.S.A. (GA, NC, PA, TN, VA, WV)	T		NA	NA

Dated: June 12, 1989.
 Susan Recce Lamson,
 Acting Assistant Secretary for Fish and Wildlife and Parks.
 [FR Doc. 89-17159 Filed 7-20-89; 8:45 am]
 BILLING CODE 4310-55-M