

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Liatris ohlingerae* and *Ziziphus celata*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Liatris ohlingerae* (scrub blazing star), a perennial herb in the aster family (Asteraceae) and *Ziziphus celata* (Florida ziziphus), a shrub in the buckthorn family (Rhamnaceae) to be endangered species pursuant to the Endangered Species Act of 1973 (Act), as amended. These two plants are endemic to sand pine scrub vegetation in Polk and Highlands counties in central Florida.

Both plants are threatened by habitat loss due to residential and agricultural land development. Only one small population of the Florida ziziphus is known to exist, so it is especially vulnerable to extinction. This proposal, if made final, would implement the

protection and recovery provisions afforded by the Act for these two plants. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by November 28, 1988. Public hearing requests must be received by November 14, 1988.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David J. Wesley, Field Supervisor, at the above address (telephone: 904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

Liatris ohlingerae is a perennial herb of the aster family (Asteraceae), also known as Compositae). It was first collected in 1922 by John K. Small in Highlands County, Florida, and was collected in the same year by Mrs. F.E. Ohlinger southeast of Frostproof, Polk County. S.F. Black (1923) placed the plant in the blazing star genus, naming it *Lacinaria ohlingerae*, with the Frostproof site as the type locality. Small (1924) created a new genus for this plant, which became *Ammopursus*

ohlingerae. Robinson (1934) reinstated scrub blazing star in the large genus of the blazing stars in *Liatris ohlingerae*, changing the name of the genus in keeping with adoption of *Liatris* as a conserved name under the International Code of Botanical Nomenclature. Gaiser's (1946) treatment of *Liatris* and Cronquist's (1960) floristic treatment of the aster family in the Southeast retain this plant in the genus *Liatris*, although Lakela (1964) argued in favor of reinstating *Ammopursus* as a genus of only one species. Cronquist gives three common names for *Liatris*: blazing star, gay feather, and button snakeroot. Members of the genus that are sold as cut flowers or as garden perennials are usually called blazing stars. Wunderlin et al. (1980) mention "sand torch" as a name for *Liatris ohlingerae*.

Liatris ohlingerae is an erect, usually unbranched perennial herb, up to 1 meter (3 feet) tall. The leaves are very narrow, only 1-2.5 millimeters (0.04-0.10 inches) wide. The several flower heads are usually separated from each other on the stem; they are large compared to the rest of the genus, up to 2 centimeters (0.8 inch) broad and 3 centimeters (1.2 inch) from base to tips of the flowers. The flowers are bright pinkish purple. The plant flowers from July through September and October (Kral 1983, Cronquist 1980).

Liatris ohlingerae has been collected frequently because of its brilliant flowers. A study of the central Florida sand pine scrub by Christman (1988)

shows 93 known localities for the plant (71 of them in Highlands County), with a geographic range from Auburndale and Hesperides (on highway 60 east of Lake Wales) in Polk County, south along the Lake Wales Ridge (and U.S. highway 27) through Sebring to the Archbold Biological Station in Highlands County. The distribution of *Liatris ohlingerae* overlaps or encompasses the distribution of 10 federally listed plants of the scrub habitat, and it parallels especially closely the distributions of *Hypericum cumulicola* (endangered), *Polygonella basiramia* (endangered), and *Prunus geniculata* (endangered). A site at Archbold Biological Station is protected; a site at Saddle Blanket Lakes has been proposed for purchase by the State, but the purchase is not yet funded. A small site may be added to Highlands Hammock State Park.

Liatris ohlingerae is restricted to sand pine scrub vegetation, a vegetation that is restricted to Florida and has its greatest floristic richness on the Lake Wales Ridge. Scrub vegetation occurs on excessively drained, sand soils, usually on sites that, under presettlement conditions, were provided a degree of natural fire protection by a nearby lake or swamp (S. Christman, botany seminar, University of Florida, Feb. 1988). Scrub vegetation is dominated by evergreen shrubs including oaks (such as the endemic *Quercus inopina*), with variable numbers of sand pine (*Pinus clausa*). Sandy open spaces between large shrubs are occupied by small shrubs such as *Conradina brevifolia* and *Dicerandra frutescens* (both members of the mint family, the latter federally listed as endangered), *Polygonella myriophylla* (of the buckwheat family), and numerous small herbs including *Bonamia grandiflora* (of the morning glory family, threatened), *Nolina brittoniana* (agave family), and a few grasses such as *Schizachyrium niveum* (a bluestem grass endemic to central Florida).

Christman (1988) list 39 plant taxa that are virtually restricted to scrub vegetation. Of these taxa, 33 are present on the Lake Wales Ridge. Scrub vegetation on the Ridge appears to have the greatest number of endemic plant species in any single habitat in Florida. The State's two other major regions of plant endemism are the Apalachicola lowlands in northwest Florida (with about the same number of taxa, in several habitats) and the tropical region of Dade and Monroe Counties (with more taxa, but with few of the taxa constituting full species). Florida has the greatest degree of plant endemism in

eastern North America (Florida Natural Areas Inventory, in press).

Ziziphus celata was first collected by Ray Garrett in 1948 on sand dunes near Sebring; a second specimen was collected by Leonard J. Brass in the company of Garrett, presumably from the same locality. Garrett consulted with Erdman West and Lillian Arnold at the University of Florida, but neither could identify the plant. West had an illustration prepared. Over the years, attempts were made to identify the shrub (which belongs to the family Rhamnaceae or buckthorns) and to relocate the shrub in the wild, with no success. Finally, Walter Judd noted the similarity of Garrett's specimen to several shrubs from the southwestern United States and Mexico. Judd and Hall (1984) proposed that Garrett's specimen represented a new species, which they named *Ziziphus celata*, most closely related to *Ziziphus obtusifolia* (lotebush, white crucillo or gray thorn; a variable species of the deserts of southern California, Arizona, New Mexico, Texas, and Mexico) and to *Ziziphus parryi* (California lotebush, of southern California and Baja California) (Benson and Darrow 1981). Subsequently, Brass' specimen was found at the herbarium of the Archbold Biological Station, and the illustration prepared under West's direction was found (Wunderlin et al. 1985). In late July 1987, Kris R. DeLaney found a population of the Florida ziziphus in Polk County, Florida, after carefully searching suitable habitats (Wunderlin et al. 1987).

Ziziphus celata is a shrub up to 1.5 meters (5 feet) high. Branches are zigzagged and bear short, straight, spiny branchlets. Leaves are alternate, deciduous, with blades that are oblong-elliptic to obovate, dark glossy green above, lighter dull green beneath, 4.5–21 millimeters (0.18–0.83 inch) long, and 3–13 millimeters (0–12–0.5 inches) wide. Leaves have rounded tips, cuneate bases, and entire margins (Wunderlin et al. 1987). Flowers are axillary and solitary but appear fascicled; sepals are 5, green; petals are 5, white, somewhat clasping the stamens; stamens 5. The floral disc is thickened and surrounds the ovary (Judd and Hall 1984). The fruit is a drupe (Wunderlin et al. 1985). *Ziziphus celata* may be recognized in the field by its small, dark, glossy green, entire leaves on conspicuously zigzag spiny branches. Larger specimens tend to be covered with lichens (Wunderlin et al. 1987).

Currently, only one population of *Ziziphus celata* is known, consisting of about 30 stems in 2 groups on

approximately 2 acres on the Lake Wales Ridge in Polk County. Despite intensive floristic surveys of the Lake Wales Ridge in recent years, no other populations have been found. The site is on Avon Park Fine Sand, an excessively drained deep sand soil. The site appears to represent a transition between sand pine scrub vegetation and longleaf pine (*Pinus palustris*) vegetation with turkey oak (*Quercus laevis*). The site has evergreen oaks, scrub hickory (*Carya floridana*), *Bumelia tenax* (a buckthorn), *Prunus geniculata* (scrub plum, endangered), and many herbs, including *Berlandiera subacaulis* (a yellow daisy), *Bonamia grandiflora* (Florida bonamia, threatened), *Bulbostylis* sp. (a small sedge), *Liatris ohlingerae*, *Licania michauxii* (gopher apple), *Paronychia chartacea* (papery whitlow wort, threatened), and *Warea carteri* (Carter's mustard, endangered) (Wunderlin et al. 1987).

Federal government action on *Liatris ohlingerae* began with section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to the Congress on January 9, 1975. In this report, *Liatris ohlingerae* was considered endangered. On July 1, 1975, the Service published a notice in the Federal Register (40 FR 27823) of its acceptance of the report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act, and of its intention thereby to review the status of the plant taxa contained within. On December 14, 1980, the Service published a notice of review for plants (45 FR 82480), which included *Liatris ohlingerae* as a Category 1 candidate (a taxon for which data in the Service's possession indicate listing is warranted). A notice of review published on September 27, 1985 (50 FR 39526), maintained this species as a Category 1 candidate. The proposal to list this species as endangered is based on the information available in 1980, augmented by field work conducted since then by Gary Schultz for the Florida Natural Areas Inventory and by Steven Christman (1988) and by recent information on the rate of development of the two counties.

In the September 27, 1985, notice of review, *Ziziphus celata* is designated a Category 2* candidate (a taxon for which data in the Service's possession indicate listing is possibly appropriate but for which additional biological information is needed to support a

proposed rule; the asterisk indicates that the taxon is possibly extinct). Subsequent discovery of another herbarium specimen, an illustration of a fruit, and an extant population of *Ziziphus celata* have confirmed that this is a valid species that merits listing.

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Liatris ohlingerae* because the Service had accepted the 1975 Smithsonian report as a petition. In October of 1983, 1984, 1985, 1986 and 1987, the Service found the petitioned listing of this species was warranted but precluded by other listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. Publication of the present proposal constitutes the final 1-year finding that is required.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Act (16 U.S.C. 1531 et seq.) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their applications to *Liatris ohlingerae* (S.F. Blake) Robinson and *Ziziphus celata* Judd & Hall are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Their Habitat or Range

Liatris ohlingerae is restricted to sand pine scrub vegetation on the Lake Wales Ridge and the nearby Auburndale area in Highlands and Polk Counties, Florida. Sand pine scrub vegetation occurs elsewhere in these counties and the rest of the State, but lacks *Liatris ohlingerae*. The Lake Wales Ridge is a major citrus producing area, and the towns along the Ridge are growing rapidly. In Highlands County, 64.2 percent of the xeric vegetation (scrub, scrubby flatwoods, and longleaf pine-turkey oak vegetation) present before settlement had been destroyed in 1961. An additional 10.3 percent of the xeric vegetation was moderately disturbed, primarily by building roads to create housing subdivisions (Perom and Abrahamson 1985). Remaining tracts of scrub on the Lake Wales Ridge in Polk and Highlands

counties are rapidly being developed for citrus groves, and especially for housing developments and businesses (Fred Lohrer, Archbold Biological Station, pers. comm. 1985; James Duane, Executive Director, Central Florida Regional Planning Council, pers. comm. 1988).

Many of the remaining stands of scrub are vacant lots, patches of land isolated by railroad tracks, or other isolated fragments of the original vegetation. Some of the few remaining large areas of scrub are subdivisions here lots were sold to absentee owners, but houses were not built. The fragmented land ownership, the difficulty of contacting landowners, and informal use of such subdivisions as trash dumps and recreation areas make conservation of the vegetation difficult. *Liatris ohlingerae* is not known to occur in publicly owned sand pine scrub vegetation at Arbuckle Lake or the Avon Park Air Force Ranged in these counties. The plant does not occur within (or on land that may be added to) Highlands Hammock State Park in Highlands County, and it occurs on the private Archbold Biological Station. *Liatris ohlingerae* occurs at Saddle Blanket Lakes, a tract in Polk County that is on the acquisition list for the State of Florida's Conservation and Recreation Lands Program. So far, purchase of this tract has been delayed because other tracts have received higher priority. The Nature Conservancy owns a small preserve at Saddle Blanket Lakes.

The relatively large number of known localities for *Liatris ohlingerae* is misleading. Because it has conspicuous flowers and is easily identified, it has been collected very frequently, much like *Polygonella myriophylla*, a distinctive species of the same habitat. Many of the known sites for the blazing star have already been destroyed, although an exact count is available. Although the blazing star is still locally abundant, most of the extant sites are small, and sites are disappearing very rapidly. For example, in January of 1988, Steven Christman (pers. comm. 1988) prepared for The Nature Conservancy a list of 10 sites that, collectively, could constitute a network of preserves for the central Florida scrub flora; by late March, 3 of the sites had changed hands, including 1 that had been considered relatively secure.

Ziziphus celata was first collected near Sebring; the site has not been relocated and may have been destroyed. The single known existing population, in Polk County, consists of about 30 stems. Most or all of the stems may be from a single rootstock. The site is privately

owned, and it is not protected (Wunderlin et al. 1987; R. Wunderlin, pers. comm. 1988). DeLaney and Wunderlin have received funding from the Florida Nongame Wildlife Program to search for more populations, but the lack of collections from this intensively explored portion of the State indicates that few populations can be expected to be found.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Liatris ohlingerae is being tested by a Dutch firm for cultivation as a cut flower because of its exceptionally large flower heads that are more pinkish than those of other members of the genus (S. Wallace, Bok Tower Gardens, pers. comm. 1988). This activity does not pose a threat to the species, but the increasing popularity of members of the genus *Liatris* as garden perennials could threaten this species in the future.

Ziziphus celata is one of the rarest shrubs in North America. Unrestricted scientific collecting or excessive visits could seriously affect the one population.

C. Disease or Predation

Not applicable.

D. The Inadequacy of Existing Regulatory Mechanisms

Liatris ohlingerae is listed as endangered by the Preservation of Native Flora of Florida Act (Section 581.185-187, Florida Statutes), which regulates taking, transport, and sale of plants but does not provide habitat protection. *Ziziphus celata* is proposed for addition to the State list. The Endangered Species Act will offer additional protection through section 7 and recovery planning.

E. Other Natural or Manmade Factors Affecting Their Continued Existence

Restriction to specialized habitats and to small geographic ranges tends to intensify any adverse effects on any rare plant. This is the case for *Liatris ohlingerae*, and is exacerbated by the loss of habitat that has already taken place. *Ziziphus celata* may be threatened by loss of genetic variation because the existing population may consist of only one or two clones.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Liatris ohlingerae*, and *Ziziphus celata* as

endangered. Their limited remaining habitats and vulnerability to human activities indicate that both species are in danger of extinction throughout all or significant portions of their ranges, and therefore fit the Act's definition of endangered. The decision not to propose critical habitat for these species is 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 that 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 *Liatris ohlingerae*, or *Ziziphus celata* at this time. Federal agencies can be alerted to the presence of these species without the publication of critical habitat descriptions and maps. Publication of critical habitat descriptions and maps would increase the degree of threat from taking or vandalism, because *Liatris ohlingerae* is an attractive plant that could become popular in home gardens and because live specimens of *Ziziphus celata* would be of interest to a limited number of hobbyists and institutions; it could be a commercially viable plant for a few specialized nurseries. Removal of attractive plants, or plant curiosities, from the wild by collectors and hobbyists has been a serious problem for many years in south Florida. Consequently, no critical habitat is proposed for these plant species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, 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 subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may adversely affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The currently known sites for *Liatris ohlingerae*, are on private land, except for one that may be purchased by the State. The one currently known site for *Ziziphus celata* is on private land. The State of Florida is aware of the need to conserve both species; no Federal involvement is known at Highlands Hammock State Park or on private lands in the area. Populations of *Liatris ohlingerae*, that extend onto State-owned highway rights-of-way may be subject to Federal involvement if the U.S. Department of Transportation (Federal Highway Administration) should provide funds for maintenance or construction. Federal mortgage programs may be subject to section 7 review, including those of U.S. Department of Agriculture (farmers Home Administration), Veterans Administration, and the U.S. Department of Housing and Urban Development (Federal Housing Administration loans). The supply of electricity to new housing developments may be subject to Federal involvement through the Rural Electrification Administration.

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. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce, 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. There is no commercial trade in *Ziziphus celata*, and no known commercial trade within the United States in *Liatris ohlingerae*. The Service anticipates few, if any, requests for permits. 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, P.O. Box 27329, Central Station, Washington, DC 20038-7329 (202/343-4955).

Public Comments Solicited

The Service intends that any final rule resulting from this proposal will be accurate and as effective as possible in the conservation of endangered or threatened species. 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 the following:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Liatris ohlingerae* and *Ziziphus celata*;
- (2) The location of any additional populations of these species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;
- (3) Additional information concerning the range and distribution of these species; and
- (4) Current or planned activities in the range and habitat of these species and their possible impacts on them.

Final promulgation of the regulation on these species 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, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216.

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).

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 Wunderlin, R.P., D. Richardson, and B. Hansen. 1980. Status report on *Liatris ohlingerae*. Unpublished report prepared for U.S. Fish and Wildlife Service, Jacksonville, Florida. 42 pp., illustration.

Author

The primary author if this proposed rule is David Martin, Jacksonville, Field Office, U.S. Fish and Wildlife Service,

3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216 (904/791-2580 or FTS 946-2580).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

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:

Part 17—[AMENDED]

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. 1532 *et seq.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the families indicated, 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					
Asteraceae—Aster family:						
<i>Liatris ohlingerae</i>	Scrub blazing star	U.S.A. (FL)	E		NA	NA
Rhamnaceae—Buckthorn family:						
<i>Ziziphus celata</i>	Florida ziziphus	U.S.A. (FL)	E		NA	NA

Dated: September 2, 1988.
 Susan Recce,
 Acting Assistant Secretary for Fish and Wildlife and Parks.
 [FR Doc. 88-22146 Filed 9-27-88; 8:45 am]
 BILLING CODE 9310-55-M