

appointment, during normal business hours at the Service's Regional Office of Endangered Species, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

**FOR FURTHER INFORMATION CONTACT:** James M. Engel (see ADDRESSES section) at 612/725-3276 or FTS 725-3276.

**SUPPLEMENTARY INFORMATION:**

**Background**

*Oxytropis campestris* var. *chartacea*, a member of the pea family Fabaceae, was first described as a distinct species, *Oxytropis chartacea* (Fassett 1936). This herbaceous perennial has many leaves clustered in a rosette at the base of the stem. Leaves are pinnately compound, 2 to 8 inches (5 to 20 centimeters) long, with about 15 pairs of small, pointed leaflets (Alverson 1982). Most of the plant is covered by dense, white, silky hairs which give it a silvery-gray appearance. Barneby (1952) considered the taxon a variety of *Oxytropis campestris*. Although it is very similar to var. *johannensis*, the pod of var. *chartacea* is shorter, the vesture of the whole plant more copious and looser, and the stipules permanently pilose (Barneby 1952). *Oxytropis campestris* var. *chartacea* produces attractive rose-purple flowers from mid-May through mid-June. Fruits develop as individual pods from each flower.

*Oxytropis campestris* var. *chartacea* is known from six sites (less than 5,000 individual plants) in Portage and Waushara Counties, central Wisconsin. Attempts to locate additional populations have been unsuccessful. The species occurs on open to partially shaded sand/gravelly shorelines of small landlocked hardwater lakes. The species is not found where it is overtopped by grasses, woody shrubs, or trees. The plant will grow where the overstory is sparse enough to permit sunlight for part of the day (Alverson 1982). Fassett's locoweed is often found in association with *Carex* spp., *Juncus* spp., and *Eleocharis* spp. Lake level fluctuations maintain the species' required open habitat.

*Oxytropis campestris* var. *chartacea* was among those species covered by a report on endangered, threatened, and extinct plants which was prepared by the Secretary of the Smithsonian Institution in accordance with section 12 of the Endangered Species Act of 1973 (16 U.S.C. *et seq.*). This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. In the Federal Register of July 1, 1975 (40 FR 27823), the Service issued a notice of its acceptance of this report as a petition within the context of

section 4(c)(2) of the Act, now section 4(b)(3)(A) and of its intention to review the status of the plant taxa named therein. In the Federal Register of June 16, 1976 (41 FR 24523), the Service issued a proposed rule to determine endangered status for approximately 1,700 vascular plant species, including *O. c.* var. *chartacea*. General comments received on that proposal were summarized in the Federal Register of April 26, 1978 (43 FR 17909). In the Federal Register of December 10, 1979 (44 FR 70796), the Service issued a notice withdrawing that portion of the proposal of June 16, 1976, that had expired, along with four other proposals that had also expired. In the Federal Register of September 27, 1985 (50 FR 39526-39527), the Service issued a revised notice of review. *O. c.* var. *chartacea* was placed in Category 1 of that notice, meaning that the Service had substantial information supporting the appropriateness of proposing endangered or threatened status. On December 4, 1987, the Service published in the Federal Register (52 FR 46336), a proposal to list *Oxytropis campestris* var. *chartacea* as a threatened species. The Service now determines *O. c.* var. *chartacea* to be a threatened species with the publication of this final rule.

**Summary of Comments and Recommendations**

In the December 4, 1987 proposed rule (52 FR 46336) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting public comment were published in the *Stevens Point Journal*, Stevens Point, Wisconsin; and *Waushara Argus*, Wautoma, Wisconsin. No comments were received. The Wisconsin Department of Natural Resources supported the proposed rule (52 FR 46336) and advised the Service of continued support for this final rule but did not have any new species information (R. Nicotera, Wisconsin Department of Natural Resources, 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 (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for *Oxytropis campestris* var. *chartacea***

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service determines threatened status for *Oxytropis campestris* var. *chartacea* (Fassett's locoweed) under authority of the Endangered Species Act (Act) of 1973, as amended. The species is known from six sites in Portage and Waushara Counties, Wisconsin. Threats include human disturbance and grazing. This action will implement the protection provided by the Act for *Oxytropis campestris* var. *chartacea*.

**EFFECTIVE DATE:** October 28, 1988.

**ADDRESSES:** The complete file for this rule is available for inspection, by

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 *Oxytropis campestris* var. *chartacea* (Fassett's locoweed) are as follows:

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

This species occurs wholly on privately-owned land, residential lots, lake front lots and at a summer camp. Human use of sandy shorelines has extirpated the plant from several historic sites in Bayfield and Waushara Counties (Alverson 1982). At current sites, plants occur adjacent to areas not used by humans for recreational or other purposes. Although moderate human use of shoreline appears to be compatible with the species' survival, increasing shoreline developments would jeopardize the species.

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

Due to the limited distribution and small population size of *Oxytropis campestris* var. *chartacea*, indiscriminate collecting of any nature could have serious effects.

**C. Disease or Predation.**

Several of the sites at which *O.c.* var. *chartacea* formerly occurred have been heavily grazed by domestic livestock for many years. Circumstantial evidence suggests that such grazing eliminated the plant from these sites. Grazing is a potential threat to populations that still survive (Alverson 1982).

**D. The Inadequacy of Existing Regulatory Mechanisms**

*Oxytropis campestris* var. *chartacea* is officially listed as threatened in Wisconsin. However, such classification is of little practical benefit, since the species occurs entirely on private land. The Endangered Species Act would provide the basis for substantial additional conservation measures, such as habitat acquisition, land use agreements, and development of a recovery plan.

**E. Other Natural or Manmade Factors Affecting its Continued Existence**

*Oxytropis campestris* var. *chartacea* is vulnerable because of its restricted range and low numbers. A substantial disturbance could reduce a population to the point where long-term genetic viability would be lost, resulting in extinction.

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 make this rule final. Based on this evaluation, the preferred action is to list *Oxytropis campestris* var. *chartacea* as threatened. Such status is necessary due to the species' restricted range and the multiplicity of threats facing it and its habitat. It does not, however, appear to be in immediate danger of extinction. However, without protection and further research, the vulnerability of this species will continue. 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 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 *Oxytropis campestris* var. *chartacea* at this time. Publishing a detailed description and map of this species' habitat might stimulate public interest and make this species more vulnerable to taking by collectors (see factor "B" in the "Summary of Factors Affecting the Species"). No net benefit would be derived from designating critical habitat and so it would not be prudent or beneficial to designate critical habitat for *Oxytropis campestris* var. *chartacea* 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 the listing. Recovery actions that may be of benefit to *O.c.* var. *chartacea* include protection from excessive grazing and pedestrian traffic, and reintroduction on previously occupied sites. 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. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, to carry out are not likely to jeopardize the continued existence of a listed species or result in destruction or adverse modification of its critical habitat. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No Federal involvement is anticipated for *Oxytropis campestris* var. *chartacea* at this time.

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 *Oxytropis campestris* var. *chartacea*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71 apply. These prohibitions, in part, 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 it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. 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. With respect to Fassett's locoweed, it is anticipated that few trade permits would ever be sought or issued since the species is not common in cultivation or in 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, P.O. Box 27239, Washington, DC 20038-7329 (202/343-4955).

**National Environmental Policy Act**

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by 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. The reasons for this determination were published in the Federal Register on October 25, 1983 (48 FR 49244).

**References Cited**

Alverson, W.S. 1982. Status report on *Oxytropis campestris* L. var. *chartacea* (Fassett) Barneby. Unpubl. rep. 15 pp.  
 Barneby, R.C. 1952. A revision of the North American species of *Oxytropis* DC. Proc. Calif. Acad. Sci. 17:177-312.  
 Fassett, N.C. 1936. Notes from the herbarium of the University of Wisconsin, 13. Rhodora 36:95.

**Author**

The primary author of this final rule is William F. Harrison (See ADDRESSES section) (612/725-3276 or FTS 725-3276).

**List of Subjects in 50 CFR Part 17**

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

**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: 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.*]; Pub. L. 99-625, 100 Stat. 3500 (1986, unless otherwise noted).

2. Amend § 17.12(h) by adding the following, in alphabetical order under Fabaceae, to the List of Endangered and Threatened Plants:

**§ 17.12 Endangered and threatened plants.**

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 (h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Fabaceae—Pea family.						
<i>Oxytropis campestris</i> var. <i>chartacea</i> .	Fassett's locoweed	U.S.A. (WI)	T	329	NA	NA

Dated: September 2, 1988.  
 Susan Recce,  
 Acting Assistant Secretary for Fish and Wildlife and Parks.  
 [FR Doc. 88-22148 Filed 9-27-88; 8:45 am]  
 BILLING CODE 4310-55-M