
50 CFR Part 17**Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Lindera melissifolia*****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.**SUMMARY:** The Service determines *Lindera melissifolia* (pondberry), a

small shrub limited to 19 locations in the southeastern United States, to be an endangered species under authority of the Endangered Species Act of 1973, as amended (Act). *Lindera melissifolia* is endangered by land clearing operations, timber harvesting, drainage activities, and encroachment by competitor species. This action will implement the protection provided by the Act, for *Lindera melissifolia*.

EFFECTIVE DATE: September 2, 1986.**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Asheville Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.**FOR FURTHER INFORMATION CONTACT:** Mr. Robert R. Currie at the above address (704/259-0321 or FTS 672-0321).**SUPPLEMENTARY INFORMATION:****Background**

Lindera melissifolia (pondberry) was described as a new species by Thomas Walter in 1788. The material upon which he based this description was collected from what is present-day Berkeley County, South Carolina (Maxon 1936). This deciduous shrub grows to approximately 2 meters (6 feet) tall and spreads vegetatively by stolons. Pale yellow flowers appear in early spring before the leaves. The fruit, a bright red drupe (a fleshy, single-seeded fruit), matures in late autumn (Tucker 1984). *Lindera melissifolia* is distinguished

from the two other North American members of the genus (*Lindera benzoin* (L.) Blume and *Lindera subcoriacea* Wofford) by its drooping, membranaceous, and ovately to elliptically shaped leaves that have a strong, sassafras-like odor when crushed (Wofford 1983). Since the description of *Lindera melissifolia* in 1788, the species has been reported from nine southeastern States. It currently is known to occur in six States and is believed to have been extirpated from three. The bottomland hardwood stands, the poorly drained depressions, and the margins of limestone sinks in which it grows have been tremendously reduced in number and/or quality by land clearing and drainage activities in recent and historic times (Klomps 1980, Morgan 1983, Tucker 1984). The loss or alteration of its habitat has been and continues to be the most significant threat to the continued existence of *Lindera melissifolia*.

Lindera melissifolia is known from only 19 populations in Arkansas, Georgia, Mississippi, Missouri, North Carolina, and South Carolina. The species is believed to have been extirpated from Alabama, Florida, and Louisiana. A summary of the information currently available on the status of this species in each of these States follows:

Alabama

Lindera melissifolia was collected in 1839 and 1840 from Wilcox County. It has not been observed or collected since then and is considered to be extirpated from the State (Tucker 1984, Miller 1984).

Arkansas

The Arkansas Natural Heritage Program conducted an intensive aerial and ground survey for potential *Lindera melissifolia* habitat during the summer and fall of 1985. This survey encompassed a 13-county portion of northern Arkansas. All potential sites were closely examined on the ground for the presence of pondberry. Grimmitt (1985) states that it is highly unlikely that any additional pondberry sites will be found in Arkansas. Nine populations are known from the State; most of these populations have been adversely affected by timbering, land clearing, and drainage activities. One population is located along the northern border of Clay County adjacent to Missouri. This population was discovered in 1973 and historically was probably part of a larger population that extended across the Missouri-Arkansas border. Habitat alteration and destruction has reduced this population into two subunits, one on

each side of the border (S. Orzell, Arkansas Natural Heritage Commission, personal communication 1985). A second Clay County population consists of several colonies that were discovered in 1977; all have subsequently suffered severe adverse effects from timber harvesting. A third Clay County population was discovered in 1977 and occurs in an area that is heavily grazed by cattle. *Lindera melissifolia* persists at this site but probably will eventually be replaced by more aggressive weedy species. The site of a fourth Clay County population, also discovered in 1977, has since been cleared of timber and now contains few plants. In 1985, one population each was found in Woodruff and Lawrence Counties and three populations were found in Jackson County (S. Orzell, personal communication 1986). The Woodruff County population is small (less than 50 stems) and is located within a wooded depression surrounded by agricultural lands. The hydrology of the Lawrence County site has been adversely affected by flooding from adjacent rice fields and agricultural drainage ditching. The first Jackson County site consists of several scattered colonies of plants which have been adversely impacted by past cattle grazing, timbering, and trash dumping. The second site in Jackson County contains a small population occupying a 21 square foot area within a bottomland hardwood stand. The third Jackson County population is growing in a depression within a relatively undisturbed bottomland hardwood stand which is surrounded by agricultural lands. These recently discovered sites and all of the Clay County sites are on privately owned, unprotected land and are endangered by further habitat alteration (Peacock 1985).

Florida

Steyermark (1949) reports early collections of *Lindera melissifolia* from Florida by Hale and Mohr. The species has not been observed or collected in the State since then and is currently considered to be extirpated from Florida (Tucker 1984). Cooper (1984) believes that these reports may be based upon erroneous locality data on the specimens. She further states that the amount of potential habitat for *Lindera melissifolia* in Florida is very limited.

Georgia

R.B. McCartney (Woodlander's Inc., pers. comm. 1986) reports that two populations of *Lindera melissifolia* are known from Wheeler County, Georgia. Both populations are privately-owned lands. One of the two Georgia populations has been severely impacted

by domestic hogs. Part of this population has been salvaged and relocated to adjacent State owned lands; however the continued existence of both groups is tenuous at best. The other known Georgia population is relatively undisturbed at present; however, it receives no protection and could be lost to future agricultural, silvicultural, or residential development. An additional 1903 record from Montgomery County apparently involved one of the Wheeler County populations; prior to Wheeler County's creation in 1913, these locations were a part of Montgomery County.

Louisiana

Steyermark (1949) reports an early Hale collection from Louisiana. No specific locality information was recorded with the specimen. The species has not been observed or collected in the States since then and is assumed to be extirpated (Tucker 1984, Mercer 1984).

Mississippi

Lindera melissifolia occurs in two populations in this State. One population is in Sharkey County on lands administered by the U.S. Forest Service. A portion of this population is within an officially designated Research Natural Area (Carter 1985). The second population occurs on privately owned lands in nearby Sunflower County (C. Norquist, U.S. Fish and Wildlife Service, personal communication 1986). Field work, conducted by the Mississippi Natural Heritage Program, has failed to reveal the presence of other new populations of pondberry (Gordon 1984).

Missouri

One population of *Lindera melissifolia* is found in Ripley County. As stated previously, this population was probably part of a larger Arkansas-Missouri population at one time. Most of this population is on lands owned by the Missouri Department of Conservation and The Nature Conservancy. A few small groups of plants are located on adjacent privately owned land. In October 1985, a portion of the *Lindera melissifolia* population owned by The Nature Conservancy was adversely affected by unauthorized timber harvesting at the site (Chaplin 1985).

North Carolina

One extant population of *Lindera melissifolia* occurs in Bladen County, North Carolina. The area in which the plant occurs has been severely impacted by logging activities, drainage ditching, and conversion of adjacent lands to

agriculture and pine monoculture (J. Moore, North Carolina Natural Heritage Program, personal communication 1985). An adjacent site, discovered by Tucker in 1979 (Tucker 1984) has apparently been destroyed by logging and land clearing operations. One other record from Robeson County has since been determined to refer to the related species *Lindera subcoriacea*.

South Carolina

Four populations of *Lindera melissifolia* occur on U.S. Forest Service land in Berkeley County (Porcher 1980). Radford *et al.* (1968) report that the species also occurs in Colleton County. However, D. Rayner (South Carolina Department of Wildlife and Marine Resources, personal communication 1985) reports that searches of all major herbaria have failed to reveal the existence of a specimen to document the occurrence of the species in Colleton County. During 1984 Rayner conducted field searches of most of the available habitat in Colleton County and did not locate any populations.

Federal government actions on this species began with section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. The Service published a notice in the July 1, 1975, **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution 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 named within. *Lindera melissifolia* was included in the July 1, 1975, notice of review. On December 15, 1980, the Service published a revised notice of review for native plants in the **Federal Register** (45 FR 82480); *Lindera melissifolia* was included in that notice as a category-2 species. Category-2 species are those for which listing as endangered or threatened may be warranted, but for which the substantial data on biological vulnerability and threats are not currently known or on file to support proposed rules.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make certain findings on 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 *Lindera melissifolia* because of

the acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983, and again on October 12, 1984, the Service found that the petitioned listing of *Lindera melissifolia* was warranted, but precluded in accordance with 4(b)(3)(B)(iii). Subsequent to this finding, the Service received a report on the status of *Lindera melissifolia* (Tucker 1984). This status report and other available information indicated that the addition of *Lindera melissifolia* to the Federal List of Endangered and Threatened Plants was warranted. On August 13, 1985, the Service published, in the **Federal Register** (50 FR 32581), a proposal to list *Lindera melissifolia* as an endangered species. That proposal constituted the next one-year finding as required by the 1982 amendments to the Endangered Species Act. The proposal provided information on the species' biology, status, and threats, and the potential implications of listing. The proposal also solicited comments on the status, distribution, and threats to the species.

Summary of Comments and Recommendations.

In the August 13, 1985, proposed rule (50 FR 32581) 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, country governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting public comment were published in the following newspapers: *The Press and Standard*, Walterboro, South Carolina; *The Southeastern Times*, Elizabeth City, North Carolina; *The Wheeler Country Eagle*, Alamo, Georgia; *The Piggott Times*, Piggott, Arkansas; *The Clay County Democrat*, Rector, Arkansas; and *The Prospect News*, Doniphan, Missouri; *Sunflower Country News*, Drew, Mississippi; and *Deer Creek Pilot*, Rolling Fork, Mississippi.

Twenty-six comments were received and are discussed below. Four non-substantive comments were received, one from a State agency, one from a Federal agency, and two from local representatives of a Federal agency. Thirteen comments were received expressing support for the proposal, three from Federal agencies, six from State agencies, and four from private organizations and individuals. Five comments from State agencies and two from professional botanists were received expressing support for the proposal and providing additional

information on the distribution of and threats to *Lindera melissifolia*.

The South Carolina Nature Conservancy supported the proposal and recommended that a portion of the habitat supporting *Lindera melissifolia* in South Carolina be designated as critical habitat.

Mr. Robert McCartney of Woodlanders (a native plant nursery) expressed support for the proposal, provided information on additional threats to the species, discussed the role that cultivation of endangered plants can play in the conservation of endangered plants, and provided general comments on the frustrations he has experienced in dealing with the permits required for interstate commerce in listed plants.

The additional information provided on the distribution of, ownership of, and threats to *Lindera melissifolia* has been incorporated into the appropriate sections of this rule. For the reasons outlined under the Critical Habitat section of this rule, the Service does not believe that designation of critical habitat for *Lindera melissifolia* is appropriate in South Carolina or elsewhere within its range. Provisions for permits are discussed in the "Available Conservation Measures" section of the rule.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined *Lindera melissifolia* should be classified as an endangered species. Procedures found at 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 were followed. 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 *Lindera melissifolia* (Walt.) Blume (pondberry) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Lindera melissifolia* has been and continues to be jeopardized by destruction or adverse modification of its habitat. The most significant threat is drainage ditching and subsequent conversion of its habitat to other uses. Even ditching without later conversion of land use can alter the water regime in a manner that reduces the plant's vigor or eliminates it from a site. In Clay County, Arkansas, between 1957 and 1977, the bottomland

hardwood stands were reduced by 24 percent. Adjacent counties that have similar habitat suffered bottomland hardwood losses between 11 and 45 percent during this same period (U.S. Fish and Wildlife Service 1979). In Missouri, Korte and Fredrickson (1977) report a 95 percent loss of lowland forest since settlement times. The single Missouri population has recently been adversely impacted by unauthorized timber harvesting on Nature Conservancy lands (Chaplin 1985). North Carolina's coastal wetlands are being drained and cleared for agricultural use, home building, and pine plantations. The Bladen County site, which is the only remaining North Carolina location for *Lindera melissifolia*, has been adversely impacted by an intensive fire and by clearing and drainage of adjacent lands (Moore, personal communication 1985). The South Carolina sites are on National Forest lands. Activities such as timber harvesting, road building, and drainage ditching, if done in a manner not consistent with the protection of the pondberry populations, could adversely affect the species. One of the Mississippi populations of *Lindera melissifolia* also occurs on National Forest lands. A portion of the site where this population grows has been designated a Research Natural Area and is thereby afforded significant protection by the Forest Service. The other population in Mississippi occurs on private land and is unprotected. However, activities on lands immediately adjacent to the Research Natural Area could, if not carried out in a manner designed to protect the pondberry, have an adverse impact on the species both within and outside of the Research Natural Area (Orzell, personal communication 1985, Carter 1985, Strong 1985). One Georgia site and one Arkansas site are being adversely impacted due to trampling by domestic animals (hogs and cattle).

B. Overutilization for commercial, recreational, scientific, or educational purposes. *Lindera melissifolia* is not currently a significant component of the commercial trade in native plants; however, the species has potential for horticultural use, and publicity surrounding the listing of the species could generate an increased demand.

C. Disease or predation. Not applicable to this species at this time. McCartney (1985) states that all populations of *Lindera melissifolia* appear to be affected by stem die-back which destroys older stems. He further states this may be directly or indirectly related to a fungal infection.

D. The inadequacy of existing regulatory mechanisms. *Lindera melissifolia* is afforded legal protection in only two of the States in which it is known to occur. North Carolina General Statute 19-B, 202.12-202.19, provides for protection from intrastate trade without a permit and for monitoring and management of State listed species. Missouri's legislation and regulations dealing with rare and endangered species provide for the protection of *Lindera melissifolia* from commercial exploitation without a permit. In Missouri, listed plants, such as pondberry, can be protected through acquisition of significant areas supporting the species. Both North Carolina and Missouri list *Lindera melissifolia* as an endangered species. Although unofficially recognized as an endangered or threatened component of the flora of the other four States in which it occurs, *Lindera melissifolia* has no official protection status in these States. Section 404 of the Clean Water Act (CWA) could potentially provide some protection for the pondberry's habitat; however, most, if not all, of the sites where it occurs do not meet the wetlands criteria of the CWA. The Endangered Species Act will provide additional protection for *Lindera melissifolia*.

E. Other natural or manmade factors affecting its continued existence. Observations of the species by Tucker (1984) and the Missouri Department of Conservation (Morgan 1983) have revealed that despite the regular production of mature fruits, no seedlings of *Lindera melissifolia* have been observed at any of the known sites. The cause of this apparent lack of sexual reproduction is unknown, and in the long term could have significant adverse effects upon the species. Chaplin (1985) states that *Lindera melissifolia* in Missouri seems to suffer severe stress during some winters. He further notes that this may be caused by low moisture availability and/or low temperatures. In any case the plants are killed back to the root crown on occasion.

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 *Lindera melissifolia* as endangered. With a small number of populations of this species known to exist, it definitely warrants protection under the Act; endangered status seems appropriate because of the severe threats facing most of its remaining habitat. Critical

habitat is not being designated for the reasons discussed below.

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 a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Lindera melissifolia* at this time. The species has potential for horticultural use. Increased publicity and the provision of specific location information associated with critical habitat designation could result in taking pressures on pondberry. Although taking and reduction to possession of endangered plants from lands under Federal jurisdiction are prohibited by the Endangered Species Act, taking provisions are difficult to enforce. Publication of critical habitat descriptions would make *Lindera melissifolia* more vulnerable and would increase enforcement problems for the U.S. Forest Service. Also, the populations on private lands would be vulnerable to taking. Increased visits to population locations stimulated by critical habitat designation could therefore adversely affect the species. The Federal agency and landowners involved in managing the habitats of pondberry will be informed of the locations of this species and of the importance of protecting it. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore it is not prudent to determine critical habitat for *Lindera melissifolia* 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 (see revision at 51 FR 19926, June 3, 1986). 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 a listed 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.

The U.S. Forest Service has jurisdiction over a portion of this species' habitat, and the Soil Conservation Service is responsible for developing watershed protection plans that could impact its habitat. Federal activities that could impact *Lindera melissifolia* and its habitat in the future include, but are not limited to, the following: timber harvesting, recreational development, drainage alterations, road construction, permits for mineral exploration, and implementation of forest management plans. It has been the experience of the Service that the large majority of Section 7 consultations are resolved so that the species is protected and the project can continue.

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 apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export *Lindera melissifolia*, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or to 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 for *Lindera melissifolia* since it 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 Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

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

- Carter, R. 1985. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species Office, on the proposal to list *Lindera melissifolia* as an endangered species.
- Chaplin, S.J. 1985. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species Office, on the proposal to list *Lindera melissifolia* as an endangered species.
- Cooper, S.T. 1984. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species Office, on the status of *Lindera melissifolia* in Florida.
- Gordon, K.L. 1984. Letter to W.T. Parker, Field Supervisor Asheville Endangered Species Office, on the status of *Lindera melissifolia* in Mississippi.
- Grimmett, H.K. 1985. Letter to W.T. Parker, Field Supervisor Asheville Endangered Species Office, on the proposal to list *Lindera melissifolia* as an endangered species.
- Klomps, U.L. 1980. The Status of *Lindera melissifolia* (Walt.) Blume, pondberry, in Missouri. *Trans. Missouri Acad. Sci.* 14:81-86.
- Korte, P.A., and L.H. Fredrickson. 1977. Loss of Missouri's lowland hardwood ecosystem. *Trans. N. Amer. Wildl. Nat. Res. Conf.* 42:31-41.
- Maxon, W.R. 1936. *Thomas Walter, Botanist*. *Smithsonian Misc. Coll.* 95(8):1.4.
- McCartney, R.B. 1985. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species Office, on the proposal to list *Lindera melissifolia* as an endangered species.
- Mercer, W.D. 1984. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species Office, on the status of *Lindera melissifolia* in Louisiana.
- Miller, D.L. 1984. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species Office, on the status of *Lindera melissifolia* in Alabama.
- Morgan, S. 1983. *Lindera melissifolia*, a rare southeastern shrub. *Natural Areas Jour.* 3(4):L62-67.
- Peacock, L. 1985. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species
- Field Office, on the proposal to list *Lindera melissifolia* as an endangered species.
- Porcher, R.D. 1980. Final Report for the U.S. Forest Service: Inventory of populations of proposed endangered and threatened species of vascular plants on Francis Marion National Forest in Berkeley and Charleston Counties, South Carolina. 107 pp.
- Radford, A.E., H.E. Ahles, and C.R. Bell. 1968. *Manual of the Vascular Flora of the Carolinas*. University of North Carolina Press, Chapel Hill. 1,183 pp.
- Steyermark, J.A. 1949. *Lindera melissifolia*. *Rhodora* 51 (608):153-162.
- Strong, L. 1985. Letter to W.T. Parker, Field Supervisor, Asheville Endangered Species Field Office, on the proposal to list *Lindera melissifolia* as an endangered species.
- Tucker, G.E. 1984. Status Report on *Lindera melissifolia* (Walt.) Blume. Provided under contract to the U.S. Fish and Wildlife Service, Southeast Region, Atlanta, Georgia. 41 pp.
- U.S. Fish and Wildlife Service. 1979. Documentation, chronology, and future projections of bottomland hardwood habitat loss in the lower Mississippi Alluvial Plain. Vol. II Appendices. Division of Ecological Services. U.S. Department of the Interior.
- Wofford, E.B. 1983. A new *Lindera* (Lauraceae) from North America. *Jour. Arnold Arb.* 64:325-331.

Author

The primary author of this final rule is Mr. 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 672-0321).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended 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. Amend § 17.12(h) by adding the following, in alphabetical order under the family Lauraceae, 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					
Lauraceae—Laurel family: <i>Lindera melissifolia</i>	Pondberry	U.S.A. (AL, AR, FL, GA, LA, MO, MS, NC, SC)	E	240	NA	NA

Dated: July 11, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks,

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