

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Chrysopsis floridana* (Florida Golden Aster)**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

SUMMARY: The Service proposes to determine a plant in the family Asteraceae (asters), *Chrysopsis floridana* (Florida golden aster), to be an endangered species pursuant to the Endangered Species Act of 1973 (Act), as amended. Critical habitat is not being proposed. This plant is endemic to small areas of ancient dunes in southern Hillsborough and Pinellas counties, Florida. All known colonies of the plant are on private property. *Chrysopsis floridana* is endangered by residential and commercial development of its habitat, and also by mowing, intense grazing, and heavy use of off-road vehicles. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for this plant. Comments on the proposal are invited from all interested parties.

DATES: Comments from all interested parties must be received by October 4, 1985. Public hearing requests must be received by September 19, 1985.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207. 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, Endangered Species Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:**Background**

Chrysopsis floridana was described by John K. Small in 1903 from specimens collected by S.M. Tracy at Bradenton, Manatee County, Florida, in 1901. Small subsequently collected the species at Long Key, Pinellas County, in 1921 (where it has since been extirpated), and in southern Hillsborough County in 1924. The species was not collected again until 1953. Since 1961, a number of collections have been made in southern Hillsborough County near Riverview and Ruskin. A specimen was collected

east of Bradenton, Manatee County, in 1964, but the species has now been extirpated there. A population was discovered near Seminole, Pinellas County, in 1983 (R. Wunderlin and A. Burdett, personal communications). All the known populations are on private land.

Several alternative taxonomic treatments have been proposed for *Chrysopsis floridana* and associated species. Fernald (1937) made *Chrysopsis floridana* a variety of *C. mariana*. Shinnars (1951) merged the entire genus *Chrysopsis* into *Heterotheca*; Harms, in several publications, supported Shinnars' view, and formally published the name *Heterotheca mariana* subspecies *floridana*. R. W. Long, preferring to recognize this plant as a species, published the name *Heterotheca floridana* (Long, 1970). In the 1970's John Semple began an extensive program of taxonomic research on golden asters that resulted in the reinstatement of *Chrysopsis* as a genus. A floristic treatment of the aster family in the southeastern United States by Cronquist (1980) included *Chrysopsis floridana* in *C. scabra*, while noting that "work in progress by John C. Semple may necessitate the revival of some names here reduced to synonymy." Semple's (1981) reviser of the genus *Chrysopsis* recognized *C. floridana* as a full species.

Chrysopsis floridana is a perennial herb of the aster family. Young plants form rosettes with leaves that are covered with dense, white, short-wooly hairs. Upright stems that grow from the rosettes are 0.3-0.4 meters (1-1.5 feet) tall, with closely-spaced, obovate-elliptic, hairy leaves. The leaves are nearly as large at the top of the stem as at the bottom. The flower heads are arranged in a more or less flat-topped cluster. Each head is slightly over 2.5 centimeters (1 inch) in diameter. Both the central disc and the rays are yellow. The plants grow in open, sunny areas in sand pine-evergreen oak scrub vegetation, on well-drained fine white sand. In the past, it also grew on beach dunes. The plant has been extirpated from much of its former range by urban development. The two largest remaining sites are in residential subdivisions where streets and utilities already exist, and where many houses have been built. Other threats are intense cattle grazing and heavy off-road vehicle use (Wunderlin *et al.*, 1981).

Chrysopsis floridana was recognized as an endangered species by the Florida Committee on Rare and Endangered Plants and Animals in their 1979 publication on plants (Ward, 1979). In

response to this project, the Service contracted a status survey by botanists from the University of South Florida. A preliminary status report was submitted in 1980 and a final report in 1981 (Wunderlin *et al.*, 1981).

Chrysopsis floridana was included as a category-1 species in a revised list of plants under review for threatened or endangered classification published in the December 15, 1980, **Federal Register** (45 FR 82280). Category 1 comprises taxa for which the Service presently has sufficient biological information to support their being proposed to be listed as endangered or threatened species.

The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. The species listed in the December 15, 1980, notice of review were considered to be petitioned, and the deadline for a finding on those species, including *Chrysopsis floridana* was October 13, 1983. On October 13, 1983, and again on October 13, 1984, the petition finding was made that listing *Chrysopsis floridana* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(iii) of the Act. Such a finding requires a recycling of the petition, pursuant to section 4(b)(3)(C)(i) of the Act. The present action, proposing to list *Chrysopsis floridana* as endangered, satisfies the next required one year finding.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) 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 *Chrysopsis floridana* Small (Florida golden aster) [synonyms: *Chrysopsis mariana* (L.) Ell. var. *floridana* (Small) Fern., *Heterotheca mariana* subsp. *floridana* (Small) Harms, and *Heterotheca floridana* (Small) Long] are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The historical range of the Florida golden aster is uncertain because few specimens were ever collected. The plant has been extirpated from most of the sites where it was collected prior to the 1970's, including Long Key (St. Petersburg Beach), Bradenton Beach, and Bradenton. The specimen collected near

Seminole in 1983 provides the only evidence that this golden aster occurred on the mainland of Pinellas County. The Seminole area, north of St. Petersburg, is urban, with little or no possible habitat left for the golden aster. The five existing populations in southern Hillsborough County are all on well-drained sand soil with sand pine-evergreen oak scrub vegetation. The two largest populations are in residential subdivisions. The Florida golden aster is restricted to vacant lots, where it occupies areas of bare sand at the edges of remnants of scrub vegetation. Other populations are in scrub vegetation grazed by cattle, on an abandoned railroad embankment, and in a recently burned sand pine scrub area. At least 16 tracts of scrub vegetation near the existing populations lack *Chrysopsis floridana* (Wunderlin *et al.*, 1981). *Chrysopsis floridana* requires bare sand. Consequently, the plant benefits from limited disturbance (which can include fire and limited land clearing, grazing, and off-road vehicle use), but may be destroyed by more intense, frequent, or extensive disturbance. The Florida golden aster is threatened to some extent by disturbance, including dumping, and intense off-road vehicle use. The plant does not tolerate mowing. The most significant threat to this plant is the direct loss of its habitats to residential construction on vacant lots as the urbanization of southern Hillsborough County progresses. The recent completion of Interstate Highway 75 from Tampa to Bradenton ensures rapid growth (Wunderlin *et al.*, 1981).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable.

C. *Disease or predation.* Two populations found in pastures are subject to grazing by cattle. Light grazing may be beneficial or non-harmful to this species; however, heavy grazing with associated soil compaction and erosion would further threaten *Chrysopsis floridana*.

D. *The inadequacy of existing regulatory mechanisms.* No Federal, State, or local laws or regulations protect *Chrysopsis floridana* or its habitat at present. The species is listed as endangered by the Florida Committee on Rare Plants and Animals (Ward, 1979), but this listing confers no protection.

E. *Other natural or manmade factors affecting its continued existence.* Restriction to specialized habitats and small geographically limited ranges tends to intensify any adverse effects upon the populations or the habitats of any rare plant. This is certainly true for

Chrysopsis floridana and is further intensified by the loss of habitat that has already taken place.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Chrysopsis floridana* as an endangered species. The very limited habitat and range of this plant render it highly vulnerable to residential and commercial real estate development. All the populations are on private land, and there are no Federal or State laws that offer them protection. Several sites where they formerly occurred have been lost and the species is in danger of extinction. Critical habitat is not being proposed for the reasons discussed in the next 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 this species at this time. Such designation of critical habitat would not be beneficial to *Chrysopsis floridana* since identification of critical habitat could be expected to increase the degree of threat from taking or vandalism. Designation of critical habitat affects only Federal agencies. The five known sites for this species are on private land with no known Federal involvement. Designation of critical habitat would not benefit the species, and might cause an increase in taking or vandalism at the sites.

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, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). 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. Since all presently known sites with *Chrysopsis floridana* are on private land where no Federal involvement is known, there would be no effect on Federal agencies from the above requirements.

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 plant species. With respect to *Chrysopsis floridana*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, 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, or sell or offer for sale this species in interstate or foreign commerce. 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 be sought or issued since this species is not common in the wild or in cultivation. *Chrysopsis floridana* might be cultivated in the future for planting on barrier island dunes.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. Permits for

exceptions to this prohibition are available through section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated that these will be made final following public comment. *Chrysopsis floridana* is not known at present from Federal lands, so this prohibition would not have any practical effects. 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 or FTS 235-1093).

Public Comments Solicited

The Service intends that any final rule adopted 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 proposed rule are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Chrysopsis floridana*;
- (2) The location of any additional populations of *Chrysopsis floridana*, 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 *Chrysopsis floridana*.

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

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207.

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 69, 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).

Literature Cited

Cronquist, A. 1980. Vascular flora of the southeastern United States. Vol. 1. Asteraceae. University of North Carolina Press, Chapel Hill.
 Fernald, M.L. 1937. Plants of the inner coastal plain of Virginia. *Rhodora* 39:433-459.
 Long, R. 1970. Additions and nomenclatural changes in the flora of southern Florida. *Rhodora* 72:17-48.
 Semple, J.C. 1981. A revision of the goldenaster genus *Chrysopsis* (Nutt.) Ell. Nom. Cons. (Compositae-Asteraceae). *Rhodora* 83(835):323-394.

Shinners, L.H. 1951. The North Texas Species of *Heterotheca* including *Chrysopsis* (Compositae). *Field and Lab* 19:66-71.
 Ward, D.B. (editor). 1979. Rare and Endangered Biota of Florida, Volume 5:Plants. University Presses of Florida, Gainesville, Florida. 175 pp.
 Wunderlin, R., D. Richardson, and B. Hansen. 1981. *Chrysopsis floridana*. Status report prepared for U.S. Fish and Wildlife Service. Endangered Species Field Station files, Jacksonville, Florida.

Author

The primary author of this proposed rule is David L. Martin, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580). Ms. E. LaVerne Smith of the Washington Office of Endangered Species served as editor.

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

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

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

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

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Asteraceae, 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>Chrysopsis floridana</i> (= <i>Heterotheca floridana</i>). | Florida golden aster | U.S.A. (FL) | E | | NA | NA |

Dated: July 22, 1985.

Susan E. Recca,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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