

Stahl, Agustín. 1883. Fauna de Puerto Rico. Aves. Clasificación Sistemática de los Animales que Corresponden a esta Fauna y Catálogo del Gabinete del Dr. Agustín Stahl en Bayamón, Puerto Rico. Imprenta del Boletín Mercantil.

Wattel, J. 1973. Geographical differentiation in the genus *Accipiter*. Nuttall Ornithol. Club. Publ. 13.

Wetmore, A. 1914. A new *Accipiter* from Puerto Rico with notes on the allied forms of Cuba and Sto. Domingo. Proc. Biol. Soc. Wash. 27:119-122.

Wetmore, A. 1922. Bird remains from the caves of Porto Rico. Bull. Amer. Mus. Nat. Hist. 46:297-333.

Wetmore, A. 1927. The Birds of Porto Rico and the Virgin Islands. Scientific Survey of Puerto Rico and the Virgin Islands. Vol. IX. New York Academy of Sciences, New York, U.S.A.

Wiley, J.W., and G.P. Bauer. 1985. Caribbean National Forest, Puerto Rico. American Birds 39:12-18.

**Author**

The primary author of this proposed rule is Ms. Marelisa Rivera, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

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

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

**Proposed Regulations 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:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625. Stat. 3500; unless otherwise noted.

2. § 17.12(h) is amended by adding the following, in alphabetical order, under BIRDS, to the List of Endangered and Threatened Wildlife to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Birds							
Hawk, Puerto Rican broad-winged.	<i>Buteo platypterus brunnescens</i>	U.S.A. (PR) .....	Entire .....	E .....	.....	NA .....	NA
Hawk, Puerto Rican sharp-shinned.	<i>Accipiter striatus venator</i>	U.S.A. (PR) .....	Entire .....	E .....	.....	NA .....	NA

Dated: December 2, 1993  
 Richard N. Smith,  
 Acting Director, Fish and Wildlife Service.  
 [FR Doc. 93-32052 Filed 12-30-93; 8:45 am]  
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50 CFR Part 17 **3-94**  
 RIN 1018-AC27

**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Arabis perstellata***

**AGENCY:** Fish and Wildlife Service, Interior.  
**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to determine endangered status for the rock cress, *Arabis perstellata*. There are 2 varieties of *Arabis perstellata*. The small rock cress, *Arabis perstellata* var. *perstellata*, is currently known from 27 populations in Kentucky—24 in Franklin County, 2 in Owen County, and 1 in Henry County. The large rock cress, *Arabis perstellata* var. *ampla*, is known from only two populations in Rutherford County, Tennessee. The

species is endangered because of either potential or current threats from habitat alteration due to residential, commercial, or industrial development; timber harvesting; grazing and trampling; and competition with native and exotic weedy species, especially the European garlic mustard (*Alliaria petiolata*). This proposal, if made final, would extend the protection of the Endangered Species Act of 1973, as amended (Act), to *Arabis perstellata*.

**DATES:** Comments from all interested parties must be received by March 4, 1994. Public hearing requests must be received by February 17, 1994.

**ADDRESSES:** Comments, materials, and requests for a public hearing concerning this proposal should be sent to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Allen Ratzlaff at the above address (704/665-1195, Ext. 229).

**SUPPLEMENTARY INFORMATION: Background**

Both varieties of *Arabis perstellata*, var. *ampla* (large rock cress) and var. *perstellata* (small rock cress) are perennial members of the mustard family (Brassicaceae). The large rock cress is known from only two counties in Tennessee, and the small rock cress is known from only three counties in Kentucky. Both varieties have round stems and alternate leaves. Their stems and foliage have a grayish coloration due to the large quantity of hairs. Their stems arise from horizontal bases and grow up to 80 centimeters (cm) (31.5 inches) long, often drooping from rock ledges. Each year a basal rosette of leaves is produced, and the new branches emerge from the old rosette of the previous season. Their lower leaves vary from 4 to 15 cm (1.6 to 5.9 inches) long and are obovate to oblanceolate with slightly toothed and pinnatifid margins. Their upper leaves are

smaller—up to 3.5 cm (1.4 inches) long—and are elliptic to oblanceolate, with coarse teeth along the margin. Both surfaces of their leaves are stellate-pubescent. The inflorescence is an elongate raceme with numerous flowers. Their flowers have four petals that are 3 to 4 millimeters (mm) (0.12 to 0.16 inch) long, are white to lavender, and have four pale green sepals that are 2 to 3 mm (0.08 to 0.12 inch) long. There are six stamens, with two shorter than the other four. The ovary is elongate, two-chambered, and develops into a silique. Fruiting stalks are about 1 cm (0.4 inch) long at maturity; siliques are up to 4 cm (1.6 inches) long and are covered with both simple and stellate hairs. Flowering occurs from late March to early May. Fruits mature from mid-May to early June. Their oblong seeds are reddish brown; somewhat flattened; about 1 mm (0.04 inch) long; and, in places, minutely hairy (Jones 1991).

*Arabis perstellata* was named by E. L. Braun from plants collected between 1936 and 1939 on wooded hillsides along Elkhorn Creek in Franklin County, Kentucky. Braun (1940) distinguished the new taxon from the similar *Arabis dentata* (Torr.) T. & G. (now called *Arabis shortii* [Fern.] Gleason) by its perennial habit; gray, stellate pubescence of stems and leaves; and longer pedicels. Fernald (1946) treated *A. shortii* as a variety of *A. perstellata*, though it is now generally accepted that they represent two species (Kartesz and Kartesz 1980). In 1959, plants were discovered on steep limestone cliffs above the Stones River in Davidson County, Tennessee, by Dr. R. B. Channel. Rollins (1960) described these plants as *Arabis perstellata* var. *ampla* and distinguished them from the typical variety by their generally larger size, thinner and more entire leaves, and lesser pubescence. Rollins also reported the chromosome number of the Tennessee plants as  $n=7$ ; the chromosome number of the Kentucky plants has yet to be determined.

*Arabis perstellata* is typically found on wooded steep slopes with limestone outcrops. The outcrops tend to be moist but not wet; rarely, plants can be found on seepy outcrops. They also may be found in protected areas, such as around the bases of larger trees, or in areas where there is little competition, such as around areas regularly scoured by talus movement or erosion. The plants have a well-developed system of rootstocks that allow them to persist in these inhospitable sites. Sometimes the plants display a weedy tendency, colonizing recent road cuts or animal paths through the woodlands. The plants exhibit definite shade/light

requirements, surviving in full shade or filtered light, but are not found in full sunlight (Jones 1991).

The distribution of *Arabis perstellata* var. *perstellata* shows a strong correlation with the Kentucky River and its tributaries (primarily Elkhorn Creek), with the greater majority of sites occurring in Franklin County. No sites have been found south of Frankfort along the Kentucky River, although appropriate habitat appears to be present. *Arabis perstellata* var. *ampla* is also associated with calcareous bluff habitat of a specific river—the Stones River. The two extant populations are somewhat atypical compared to historic sites because they occur on rocky knobs about 15 miles from the Stones River (Jones 1991). The following is a description of the status of each variety of the species within each State where the species occurs; the information is primarily from Jones (1991).

All known *Arabis perstellata* var. *ampla* populations in Tennessee are from the Cumberland River Subsection of the Central Basin Physiographic Region. Prior to the status survey conducted by Jones (1991), there were three records of large rock cress in Davidson County and two in Rutherford County. All three of the sites in Davidson County have been extirpated, and one of the sites in Rutherford County could not be relocated. One additional population was discovered in Rutherford County during the status survey. Of the two remaining populations, one is small—about 25 plants—and covers about 0.06 acre. The other population contains several hundred plants scattered over about 2.2 acres. Both sites are on private land and are threatened by competition by weedy invaders.

All known *Arabis perstellata* var. *perstellata* populations in Kentucky are from the Eden Shale Belt Subsection of the Blue Grass Physiographic Region. Prior to the status survey conducted by Jones (1991), there were three counties in Kentucky with occurrence records for the small rock cress—1 in Henry County, 2 in Owen County, and 26 in Franklin County. One site in Owen County and seven sites in Franklin County have been extirpated. There was insufficient information to locate four other historic records (2 in Franklin County and 2 from unknown counties). However, 8 new populations were discovered during the status survey, and the 27 known small rock cress sites in Kentucky are distributed as follows: 1 population from Henry County, 2 populations from Owen County, and 24 populations from Franklin County. Of these 27 populations, 22 of them have

fewer than 100 individual plants and 12 have 20 or fewer. The immediate threats to the 27 remaining populations include the following: (1) Eight are threatened by weedy competitors, (2) four by weedy competitors and trampling, (3) two by trampling, (4) one by logging, and (5) one by road work. The remaining 11 populations do not appear to have any immediate threats but are vulnerable to the aforementioned threats as well as other habitat alterations and potential inbreeding problems as neighboring populations decline. All of the Kentucky populations are privately owned. Three receive limited protection through their inclusion in State designated natural areas.

Federal government actions on these species began with section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act. By accepting this report as a petition, the Service also acknowledged its intention to review the status of those plant taxa named within the report. *Arabis perstellata* var. *ampla* and *Arabis perstellata* var. *perstellata* were included in the Smithsonian report and in the July 1, 1975, Notice of Review. On June 16, 1976, the Service published a proposed rule (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to Section 4 of the Act; *Arabis perstellata* var. *ampla* and *Arabis perstellata* var. *perstellata* were included in that proposal.

The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn. In the December 10, 1979, Federal Register (44 FR 70796), the Service published a notice withdrawing plants proposed on June 16, 1976. The revised Notice of Review for Native Plants published on December 15, 1980 (45 FR 82480), included *Arabis perstellata* var. *ampla* and *Arabis perstellata* var. *perstellata* as category 1 candidates. Category 1 candidates are those for which the Service has on file substantial information on biological vulnerability and threats to support the appropriateness of proposing to list the taxa as threatened or endangered. These species were retained in their respective categories when the Notice of Review

for Native Plants was revised in 1983 (48 FR 53640) and 1985 (50 FR 39526), but *Arabis perstellata* var. *ampla* was then thought to be possibly extinct. In the 1990 Notice of Review (55 FR 6184), *Arabis perstellata* var. *ampla* was changed to a category 2 species due to the uncertainty of its status. Category 2 species are those for which the Service has information indicating that proposing to list them as endangered or threatened may be appropriate but for which substantial data on biological vulnerability and threats are not currently known or on file to support the preparation of rules. The Service funded surveys in 1989 to determine the status of *Arabis perstellata* var. *perstellata* in Kentucky. The contractors conducting the status survey for *Arabis perstellata* var. *perstellata* included a review of *Arabis perstellata* var. *ampla* in Tennessee. Final reports on these surveys were accepted by the Service in 1991.

Section 4(b)(3)(B) of the 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 *Arabis perstellata* var. *ampla* and *Arabis perstellata* var. *perstellata* because of the acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983, and in October of each year thereafter, through 1992, the Service found that the petitioned listing of *Arabis perstellata* var. *perstellata* and *Arabis perstellata* var. *ampla* was warranted but precluded by work on higher priority species. The Service's present decision to propose *Arabis perstellata* for listing is based on results of the above-mentioned status survey and current priorities, and it represents the final petition finding for the large and small rock cresses.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Act 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 application to the 2 varieties of rock cress, *Arabis perstellata* var. *ampla* (large rock cress) and *Arabis perstellata* var. *perstellata* (small rock cress), are as follows:

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

*Arabis perstellata* var. *perstellata*—Of the 27 known populations of small rock cress, 16 are threatened with destruction or adverse modification of their habitat—8 by weedy competitors, 4 by weedy competitors and trampling, 2 by trampling, 1 by logging, and 1 by road work. The remaining 11 populations do not appear to have any immediate threats but are vulnerable to the aforementioned threats as well as other habitat alterations and potential inbreeding problems as neighboring populations decline. Active management is required to ensure that the species continues to survive at all sites.

*Arabis perstellata* var. *ampla*—Both of the remaining large rock cress populations in Tennessee are threatened from competition by weedy invaders and potentially by livestock grazing and trampling. Also, the smaller site appears to be made up of older individuals, and there is little evidence of reproduction (Jones 1991).

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

At this time there is little or no commercial trade in *Arabis perstellata* var. *ampla* or *Arabis perstellata* var. *perstellata*. Most populations of the species are very small and cannot support the collection of plants for scientific or other purposes. Collecting for scientific purposes or as a novelty could pose a threat to the species.

#### C. Disease or Predation

Disease and predation do not appear to be factors affecting the continued existence of the species at this time (Jones 1991).

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

The large rock cress is listed as endangered in Tennessee by Collins et al. (1978) and Somers (1989). Endangered species in Tennessee receive some protection through the "Rare Plant Protection and Conservation Act of 1985" (Tennessee Department of Conservation, 1987). The removal of plants from State properties for scientific, educational, or propagative purposes is controlled, as is the disturbance of the species on private lands without the landowner's consent. There is no protection for the species if its presence conflicts with public works projects (e.g., road building).

In Kentucky, the small rock cress is listed as endangered by the Kentucky

Academy of Science and Kentucky State Nature Preserves Commission (Branson et al. 1981, Warren et al. 1986). These lists, however, have no legal standing in the State.

Should *Arabis perstellata* be added to the Federal list of endangered and threatened species, additional protection from taking will be provided to any populations of rock cress that may be discovered on Federal land and to other populations when the taking is in violation of any State law, including State trespass laws. Protection from inappropriate commercial trade would also be provided.

#### E. Other Natural or Manmade Factors Affecting the Species' Continued Existence

Both varieties of rock cress, *Arabis perstellata* var. *ampla* and *Arabis perstellata* var. *perstellata* could be facing potential inbreeding problems as neighboring populations decline.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by *Arabis perstellata* in determining to propose this rule. Based on this evaluation, the preferred action is to list *Arabis perstellata* as an endangered species. Both varieties of the plant face imminent threats and are in danger of extinction throughout their range. In accordance with the definition found in section 3(6) of the Act, such a species would qualify for designation as endangered. Proposing threatened status would not be consistent with the apparent status of the species.

#### 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's regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other activity and the identification of critical habitat can be expected to increase the degree of threat to the species or (2) such designation of critical habitat would not be beneficial to the species. The Service finds that designation of critical habitat is not prudent for this species due to both situations.

Most populations of this species are small, and the loss of even a few individuals to activities such as collection for scientific purposes could

extirpate the species from some locations. Taking, without permits, is prohibited by the Act from locations under Federal jurisdiction; however, none of the known populations of *Arabis perstellata* is under Federal jurisdiction. Therefore, publication of a critical habitat description and maps would increase the vulnerability of the species without significantly increasing protection.

Regulations promulgated for the implementation of Section 7 of the Act provide for both a "jeopardy" standard and a "destruction or adverse modification" of critical habitat standard. Due to the highly precarious status of this species, any significant adverse modification or destruction of the species' habitat would also likely jeopardize the species' continued existence, thereby triggering both standards. Therefore, no additional protection for the plant would accrue from critical habitat designation that would not also accrue from listing of the species.

The owners and managers of all the known populations of *Arabis perstellata* will be made aware of the plant's locations and of the importance of protecting the plant and its habitat even though critical habitat is not being designated. No additional benefits would result from a determination of critical habitat. If listed, habitat protection for this plant would be accomplished through the section 7 "jeopardy" standard and section 9 prohibitions against take.

#### 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 the 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 affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

All *Arabis perstellata* populations are on privately owned land or in road rights-of-way. No current Federal actions have been identified that would affect these plants. However, Federal involvement associated with such actions as road construction may have limited potential for affecting these plants in the future.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general 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, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or resolution, including State criminal trespass law. Certain exceptions 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 because the species is not common in cultivation or in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office

of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420-C, Arlington, Virginia 22203 (703/358-2104).

#### Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned government agencies, the scientific community, industry, or any other interested party concerning these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Arabis perstellata*;

(2) The location of any additional populations of *Arabis perstellata* 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 *Arabis perstellata*.

Final promulgation of regulations on *Arabis perstellata* will take into consideration the comments and any additional information received by the Service, and such communications may lead to the 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 this proposal. Such requests must be made in writing and should be addressed to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28803.

#### 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

Branson, B. A., D. F. Harker, Jr., J. M. Baskin, M. E. Medley, D. L. Batch, M. L. Warren, Jr., W. H. Davis, W. C. Houtcooper, B.

Monroe, Jr., L. R. Phillippe, and P. Cupp. 1981. Endangered, threatened, and rare animals and plants of Kentucky. *Transactions of the Kentucky Academy of Science* 42:77-89.

Braun, E. L. 1940. New plants from Kentucky. *Rhodora* 42:47-49.

Collins, J. L., H. R. DeSelm, A. M. Evans, R. Kral, and B. E. Wofford. 1978. The rare vascular plants of Tennessee. *Journal of the Tennessee Academy of Science* 53:128-133.

Fernald, M. L. 1946. Identification and reidentifications of North American Plants. *Rhodora* 48:207-216.

Jones, R. L. 1991. Status Survey Report on *Arabis perstellata* var. *perstellata*. Unpublished report to the Asheville Field Office, U.S. Fish and Wildlife Service, Asheville, North Carolina. 94 pp.

Kartesz, J., and R. Kartesz. 1980. A synonymized checklist of the vascular flora of the United States, Canada, and Greenland. University of North Carolina Press, Chapel Hill, North Carolina.

Rollins, R. 1960. *Arabis perstellata* in Tennessee. *Rhodora* 62:242-244.

Somers, P. 1989. Revised list of the rare plants of Tennessee. *Journal of the*

*Tennessee Academy of Science* 64:179-184.

Tennessee Department of Conservation, Division of Ecological Services. 1987. The rare plant protection and conservation act of 1985. Nashville, Tennessee.

Warren, M. L., Jr., W. H. Davis, Branson, R. R. Hannan, M. Evans, D. L. Batch, B. D. Anderson, B. Palmer-Hall, Jr., J. R. MacGregor, R. R. Cicarello, R. Athey, B. A. Branson, G. J. Fallo, B. M. Burr, M. E. Medley, and J. M. Baskin. 1986. Endangered, threatened, and rare plants and animals of Kentucky. *Transactions of the Kentucky Academy of Science* 47:84-97.

**Author**

The primary author of these proposed rules is Mr. J. Allen Ratzlaff, Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806 (704/665-1195, Ext. 229).

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

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, and Transportation.

**Proposed Regulations Promulgation**

Accordingly, the Service proposes 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:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. § 17.12(h) is amended by adding the following, in alphabetical order, under Brassicaceae, to the List of Endangered and Threatened Plants, to read as follows:

**§ 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					
Brassicaceae—Mustard family:						
<i>Arabis perstellata</i> .....	Rock cress .....	U.S.A. (TN, KY) .....	E	NA		NA

Dated: December 2, 1993.  
**Richard N. Smith,**  
 Acting Director, Fish and Wildlife Service  
 [FR Doc. 93-32077 Filed 12-30-93; 8:45 am]  
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