
50 CFR Part 17**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Sabal miamiensis* (Miami Palmetto)****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

SUMMARY: The Service proposes to determine a Florida palm, *Sabal miamiensis* (Miami palmetto), to be an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). This small, trunkless palmetto is currently known from only two sites in northern Dade County. One

site is in a Dade County park and the other is privately owned. Fewer than 11 plants are known from the wild; 40-50 plants are in cultivation at a botanical garden in Miami. The species is threatened by the continued urbanization of the Miami area. This rule will implement the Federal protection and recovery provisions afforded by the Act for *Sabal miaminesis*.

DATES: Comments from all interested parties must be received by January 5, 1987. Public hearing requests must be received by December 19, 1986.**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered Species Field Station, U.S. Fish and Wildlife Service, 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 (telephone: 904/791-2580 or FTS 946-2580).**SUPPLEMENTARY INFORMATION:****Background**

The Miami palmetto is a member of the palm family (Arecaceae) that was first collected in Coconut Grove, Dade County, Florida, by J.K. Small and G.V. Nash in 1901. Small subsequently collected more specimens of this large-fruited dwarf palmetto at Miami and west of Kendal in Dade County, and at Fort Lauderdale in Broward County (Zona 1983). Small (1903) named these plants *Sabal megacarpa* (Chapman) Small, basing the name on *Sabal adansonii* var.? *megacarpa* Chapman. Later, Small (1933) wrote that "the exact position in the genus of *S. adansonii*? *megacarpa* . . . is uncertain . . . We have not been able to decide whether it

is conspecific with *S. entonia* or merely a juvenile condition of *S. palmetto*."

Zona (1983) conducted a taxonomic investigation into the cabbage palm (*Sabal palmetto*) and its close relative, the scrub palmetto (*Sabal etonia*) in Florida. He concluded that these two palmettos are distinct species, and that Small's palmetto from southeastern Florida is in most respects intermediate between the two widespread species, but is distinct from them in its very large fruits and seeds, and in its restriction to Miami rock pinelands. Consequently, he recognized these plants as a separate species, as Small had in 1903. However, the name *Sabal megacarpa* is a synonym for *Sabal etonia*, so Zona (1983) proposed the new name, *Sabal miamiensis*, for the species.

Sabal miamiensis has no above-ground stem. Its fan-shaped leaves have petioles 40–60 centimeters (16–24 inches) long and blade segments 50–76 centimeters (20–30 inches) long. Each plant has 3–6 yellow-green leaves (similar to *Sabal etonia*). The numerous small flowers are borne in a loose, horizontal to arching panicle with three orders of branching (similar to *Sabal palmetto*). The fruits are 15–19 millimeters (0.6–0.8 inches) in diameter (longer than either *Sabal palmetto* or *S. etonia*), and the seeds are 10–11 millimeters (roughly 0.4 inches) in diameter (greater than *Sabal palmetto* or *S. entonia*).

The habitat of this plant has almost entirely been urbanized. Only two populations are presently known, one in a Dade county park where no more than eight individuals inhabit a sandy area with evergreen scrub oaks (Roger Sanders, Fairchild Tropical Garden, pers. comm., April 22, 1986). The second site, also in Dade County, had many palmettos but is now being converted to a housing development. Herbarium specimens show that *Sabal miamiensis* was found in the pine rocklands with south Florida slash pine and dwarfed cabbage palms (Zona 1985), but the Miami palmetto was very likely restricted to sandy sites in the pinelands (R. Sanders, pers. comm., 1986), like the federally listed endangered species, *Polygala smallii*, which has a similar geographic range (Krauss 1980). Specimens collected by George Avery (Zona 1985) and Avery's field notes (R. Sanders, pers. comm., 1986) indicate that *Sabal miamiensis* is very rare. Avery collected extensively throughout south Florida, including Everglades National Park, but collected or noted the plant at only three sites. One of these sites has been destroyed.

Dr. W. Judd (associate professor, University of Florida) verbally notified

the Service of the status of the Miami palmetto in early 1985. On May 30, 1985, the Service distributed to botanists and agencies in Florida a list of endangered, threatened, and candidate plants that contained several potential new candidates for listing, including the "Miami palmetto," and solicited comments from the recipients. Dr. J. Popenoe (Director, Fairchild Tropical Garden) responded that the plant could be made a category I candidate (a species for which sufficient biological information is available to support listing) when a description of the species appeared in print. Judd responded in writing that the palmetto was "extremely endangered" and provided additional biological information. Based on these comments, on additional information provided by Dr. R. Sanders (pers. comm., 1985, 1986), and on the published description of *Sabal miamiensis* by Zona (1985), the Service is proposing to list the Miami palmetto as endangered.

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 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 *Sabal miamiensis* Zona (Miami palmetto) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* In the early twentieth century, *Sabal miamiensis* was collected in pinelands of the south Florida limestone ridge from Fort Lauderdale (Broward County) south to Miami and west of Kendal (Zona 1985). Conversion of pinelands to residential and commercial uses began in the early twentieth century and accelerated after 1930. Herndon (1984) estimated that 98 percent of the Dade County pinelands outside of Everglades National Park had been destroyed by 1984. *Sabal miamiensis* is presently known from only two sites: a County park in the northern part of Dade County, where six to eight plants are known, and along a fence at the edge of a construction site, also Dade County, where only three plants survive out of what had been a sizeable population (R. Sanders, pers. comm., 1986). A nearby site where George Avery collected the palmetto is now the Bayshore campus of Florida International University, and the

original vegetation has been destroyed. Other collection sites have also been lost to urbanization.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* *Sabal miamiensis* is so limited in distribution and population size that scientific or other collecting could cause the species to become extinct in the wild. Palms are commonly used landscape plants. Over-collecting and vandalism could become problems if the locations of the plants were to be publicized.

C. *Disease or predation.* Not applicable to *Sabal miamiensis*.

D. *The inadequacy of existing regulatory mechanisms.* At the present time, no State or Federal laws protect *Sabal miamiensis*.

E. *Other natural or manmade factors affecting its continued existence.* Because only 9 to 11 plants of *Sabal miamiensis* are known to exist in the wild, and 3 of these are on a site that will soon be destroyed, the species is highly vulnerable to any disturbance or natural disaster.

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 *Sabal miamiensis* as endangered. Only a few individuals are known to exist at two sites. Nearly all of the original habitat of this species has been destroyed, so there are few sites within its historic range where new populations could be established. The Service judges that this species is in danger of extinction in the remnants of its former range. Critical habitat is not proposed for *Sabal miamiensis* for 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 *Sabal miamiensis* at this time. This species inhabits only two sites, both in urban Miami, where the plants could easily be collected and/or vandalized. Palms are also commonly desired plants for landscape purposes. Publication of critical habitat maps in the *Federal Register* would increase the likelihood of such activities. The Miami palmetto occurs only on land owned by private individuals or by local

governments. All involved parties and landowners will be notified of the location and importance of protecting this species' habitat. Therefore, designation of critical habitat would be of no benefit to this species. For these reasons, the Service finds that designating critical habitat for *Sabal miamiensis* is not prudent.

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 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 collecting 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)(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 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. Since the presently known sites for *Sabal miamiensis* are on land owned by private individuals or local governments, there will be no effect from the above requirement unless the private landowners or local governments require some Federal action for their activities, such as funding or issuance of permits.

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. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export an endangered plant, 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 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 since *Sabal miamiensis* is extremely rare in both the wild and cultivation. 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, DC 20240 (703/235-1903).

Public Comments Solicited

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

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

Final promulgation of the regulation on *Sabal miamiensis* 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, U.S. Fish and Wildlife Service, 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 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 29244).

References Cited

- Herdon, A. 1984. Dade County pinelands. *Palmetto* 4(2):3-11.
- Krauss, P. Status report on *Polygala smallii*. Unpublished report prepared for U.S. Fish and Wildlife Service, Jacksonville, FL. 7 pp. + Appendices.
- Small, J.K. 1903. Flora of the southeastern United States. Published by the author. New York. 1370 pp.
- Small, J.K. 1933. Manual of the southeastern flora. Univ. of North Carolina Press, Chapel Hill. xxii + 1554 pp.
- Zona, S. 1983. A taxonomic study of the *Sabal palmetto* complex (Palmae) in Florida. M.S. thesis, Univ. of Florida, Gainesville. viii + 88 pp.

Author

The primary author of this proposed rule is David Martin, Jacksonville Endangered Species Field Station (see address section).

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 Arecaceae, 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					
Arecaceae—Palm family:						
<i>Sabal miamiensis</i>	Miami palmetto	USA (FL)	E		NA	NA

Dated: October 17, 1986.

Susan Recce,
Deputy Assistant Secretary for Fish and
Wildlife and Parks

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