DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List Sabal miamiensis (Miami Palmetto) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Service gives notice of the withdrawal of the proposed regulation to list *Sabal miamiensis* (Miami palmetto) as endangered, pursuant to the Endangered Species Act of 1973, as amended. This palm, restricted to Dade County, Florida, was proposed as endangered on November 4, 1986. Based on evaluation of comments and data available following publication of the proposed regulation, the Service has determined that *Sabal miamiensis* should be withdrawn from consideration for listing as an endangered species because it appears to be an invalid taxon.

ADDRESSES: The complete file for this proposed action is available for inspection, by appointment during normal business hours at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216 (904/791-2580 or FTS 946-2580).

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Field Supervisor, at the above. "**ADDRESS.**"

SUPPLEMENTARY INFORMATION:

Background

Sabal miamiensis (Miami palmetto) was described by Zona in 1985, based on material from Broward and Dade Counties, Florida. The plant is currently restricted to Dade County, where only a few survive. Zona separated *Sabal miamiensis* from its widespread relatives *Sabal palmetto)* and *Sabal etonia* by a suite of characters including large fruit size, lack of an above-ground trunk, and three orders of branching in the flower stalk. The plant was apparently always been restricted to the pine rocklands of Broward and Dade Counties. This habitat type has been almost completely eliminated by residential and commercial development.

Based on this information, and comments received from other Florida botanists, the Service proposed *Sabal miamiensis* as an endangered species, pursuant to the Endangered Species Act of 1973, as amended (Act), in the Federal Register of November 4, 1986 (51 FR 40051). The proposal solicited comments and information on *Sabal miamiensis* from any interested parties.

One of the comments received following the proposal indicated that there was substantial scientific disagreement concerning the taxonomic status of *Sabal miamiensis*. In a letter dated January 23, 1987, Dr. Robert W. Read of the Smithsonian Institution, a botanist specializing in palms, indicated his belief that *Sabal miamiensis* represented a peripheral population of *Sabal etonia* (scrub palmetto), a widespread Florida species. Dr. Read has accumulated a large amount of information on variation in the genus *Sabal* in Florida, and finds that the characters used to separate *Sabal miamiensis* fall within the range of variation found in populations of *Sabal etonia*. Dr. Read has examined the remaining living plants described as *Sabal miamiensis* in Dade County, and feels that they represent the southernmost population of *Sabal etonia*, not a new species. Service botanists subsequently met with Dr. Read to review his unpublished data and to discuss this problem with him.

The comment period was reopened to extend the deadline for making a final decision and to allow for further information to be received (**Federal Register**, July 21, 1987; 52 FR 27347). This was in accordance with section 4(b)(6)(B)(i) of the Act, which allows a 6-month extension of the 1-year deadline within which the Service must ordinarily take final action on a proposed regulation to list a species. The deadline for final action was therefore extended to May 4, 1988.

The Service contacted several botanists to obtain further comments on the taxonomic status of *Sabal miamiensis*, but Mr. Zona and Dr. Read appear to be the only individuals who have evaluated the status of the palm.

Five other comments were received supporting listing of *Sabal miamiensis* as an endangered species, but only Mr. Zona's letter contained comments addressing the taxonomic question. Dr. Read's comments oppose the listing of *Sabal miamiensis* on the grounds that this population does not merit taxonomic recognition.

The Service believes that Dr. Read's unpublished data are substantial enough to place the taxonomic validity of *Sabal miamiensis* in doubt. *Sabal miamiensis*, therefore, fits category 3B in the Service's September 27, 1985 plant notice of review (50 FR 39526); that is, a species which does not meet the Act's definition of "species", but which may be reevaluated in the future on the basis of subsequent research. Mr. Zona and Dr. Read both intend to publish further on *Sabal* systematics. In the event that this disagreement is resolved in favor of *Sabal miamiensis* representing a distinct species or variety, the Service will reevaluate whether listing of *Sabal miamiensis* pursuant to the Act is appropriate. Therefore, it is possible that the species will again be proposed as endangered or threatened.

Based on the best currently available commercial and scientific data, however, the Service has concluded that the proposal to list *Sabal miamiensis* as an endangered species should be withdrawn at this time.

References Cited

Zona, S. 1985. A new species of *Sabal* (Palmae) from Florida. Brittonia 37(4):366-368.

Author

The primary author of this notice is Dr. Michael M. Bentzien, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216 (904/791-2580 or FTS 946-2580).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*; 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).

List of Subjects in 50 CFR Part 17

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

Dated: June 3, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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