

FOR FURTHER INFORMATION CONTACT:
Ms. Nora Murdock at the above address
(704/665-1195).

SUPPLEMENTARY INFORMATION:

Background

Amaranthus pumilus, described by C.S. Rafinesque (1808) from material collected in New Jersey, is an annual plant in the Amaranth family. Germination takes place over a relatively long period of time, generally from April to July. Upon germinating, this plant initially forms a small unbranched sprig, but soon begins to branch profusely into a clump, often reaching a foot in diameter and consisting of 5 to 20 branches. Occasionally a clump may get as large as a yard or more across, with a hundred or more branches. The stems are fleshy and pink-red or reddish, with small rounded leaves that are half an inch to an inch in diameter. The leaves are clustered toward the tip of the stem, are normally a spinach-green color, and have a small notch at the rounded tip. Flowers and fruits are relatively inconspicuous, borne in clusters along the stems. Flowering begins as soon as plants have reached sufficient size, sometimes as early as June, but more typically commencing in July and continuing until the death of the plant in late fall. Seed production begins in July or August and reaches a peak in most years in September but continues until the death of the plant.

Weather events, including rainfall, hurricanes, and temperature extremes, and predation by webworms have strong effects on the length of seabeach amaranth's reproductive season. As a result of one or more of these influences, the flowering and fruiting period can be terminated as early as June or July. Under favorable circumstances, however, the reproductive season may extend until January, or sometimes later (Bucher and Weakley 1990, Weakley and Bucher 1991, Radford *et al.* 1968).

Amaranthus pumilus is endemic to Atlantic coastal plain beaches, where it is currently known from 13 populations in New York, 34 populations in North Carolina, and 8 populations in South Carolina. The species occur on barrier island beaches, where its primary habitat consists of overwash flats at accreting ends of islands and lower foredunes and upper strands of noneroding beaches. It occasionally establishes small temporary populations in other habitats, including sound-side beaches, blowouts in foredunes, and sand and shell material placed as beach replenishment or dredge spoil. Seabeach amaranth appears to be intolerant of competition and does not occur on well-

vegetated sites. The plant acts as a sand binder, with a single large plant being capable of creating a dune up to 6 decimeters high, containing 2 to 3 cubic meters of sand, although most are smaller (Weakley and Bucher 1991). As stated by Weakley and Bucher (1991):

Seabeach amaranth appears to need extensive areas of barrier island beaches and inlets, functioning in a relatively natural and dynamic manner. This allows it to move around in the landscape, as a fugitive species, to occupy suitable habitat as it becomes available.

Historically, seabeach amaranth occurred in 31 counties in 9 States from Massachusetts to South Carolina. Seabeach amaranth has now been eliminated from six of the States in its historic range. Of the 55 remaining populations in New York, North Carolina, and South Carolina, 9 are located on lands administered by the National Park Service, 1 is on land administered by the Department of Defense, 1 is on New York City park land, 9 are on State parks and reserves, 3 are on county parks, 2 and part of another are on municipal land, 1 is on land administered by the U.S. Fish and Wildlife Service, and the remaining 28 and part of another population are on private lands. The 41 populations known to have been extirpated are believed to have succumbed as a result of "hard" beach stabilization structures (seawalls, rip rap, etc.), storm-related erosion, heavy recreational beach use by ORVs, and possibly as a result of herbivory by webworms. The continued existence of *Amaranthus pumilus* is threatened by these activities, as well as by beach grooming and some forms of "soft" beach stabilization, such as sand fencing and planting of beach-grasses.

The Service recognized *Amaranthus pumilus* as a category 2 candidate for listing in the Supplement to Review of Plant Taxa for Listing as Endangered or Threatened Species published in the Federal Register on November 28, 1983 (48 FR 53640). Category 2 comprises those taxa for which listing is possibly appropriate but for which existing information is insufficient to support a proposed rule. Subsequent revisions of the 1983 notice have maintained *Amaranthus pumilus* in category 2. Recent surveys have been conducted by Service, State, and Nature Conservancy personnel, and the Service now believes sufficient information exists to proceed with a proposal to list *Amaranthus pumilus* as threatened.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1013-AB75

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Plant *Amaranthus pumilus* (Seabeach Amaranth)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list *Amaranthus pumilus* (seabeach amaranth) as a threatened species under the authority of the Endangered Species Act of 1973, as amended (Act). This annual herb is limited to populations in New York, North Carolina and South Carolina. *Amaranthus pumilus* is threatened by beach stabilization structures, off-road vehicles (ORVs), beach erosion and tidal inundation, beach grooming, and herbivory by insects and feral animals. This proposal, if made final, would implement Federal protection provided by the Act for *Amaranthus pumilus*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by July 27, 1992. Public hearing requests must be received by July 10, 1992.

ADDRESSES: Comments and materials 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.

Summary of Factors Affecting the Species

Section 4(a)(1) of the 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 endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Amaranthus pumilus* Rafinesque (seabeach amaranth) are as follows:

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

Amaranthus pumilus has been and continues to be threatened by destruction or adverse alteration of its habitat. Since the species was discovered, it has been eliminated from approximately two-thirds of its range, primarily as a result of beach stabilization efforts and storm-related erosion. All of the remaining 55 populations are currently threatened by these factors (Bucher and Weakley 1990, Weakley and Bucher 1991, Clemants and Mangels 1990, Mangels 1991).

In September of 1989, Hurricane Hugo struck the Atlantic coast near Charleston, South Carolina, causing extensive flooding and erosion north to Cape Fear, North Carolina, with less severe effects extending northward throughout the range of seabeach amaranth. This was followed by several severe Northeasters in the winter of 1989-1990 and by Hurricane Bertha in the late summer of 1990. These last storms, although not as significant as Hurricane Hugo, caused substantial erosion of many barrier islands in the heart of seabeach amaranth's remaining range. The 1990 surveys revealed that the effects of these climatic events were substantial. Thirteen populations of the species reappeared on Long Island, New York, many in places that had been surveyed repeatedly in the past (Mangels 1991). As stated by Weakley and Bucher (1991):

It is not known whether these populations represented long-distance dispersal of seeds (perhaps by ocean currents), short-distance dispersal from previously undiscovered populations on Long Island, or the exposure of local seedbanks.

In the Carolinas, populations were severely reduced. In South Carolina, where the effects of Hurricane Hugo and subsequent dune reconstruction were extensive, amaranth numbers went from 1,800 in 1988 to 188 in 1990, a reduction of 90 percent. Even with the addition of the New York populations, rangewide

totals were reduced 76 percent from 1988. Ironically, although storms and related erosion of beaches threaten seabeach amaranth because of its currently restricted range and reduced populations, attempts to stabilize beaches against these natural geophysical processes is often more destructive to the species and to the beaches themselves in the long run. Weakley and Bucher (1991) state:

Seabeach amaranth never occurs on shorelines where bulkheads, seawalls, or rip rap zones have been constructed. Not only does construction of these structures occur in the primary habitat of seabeach amaranth, but water and wind erosion lower the profile of the beach seaward of the armoring. The upper beach habitat required by seabeach amaranth (above inundation by tidal action) ceases to exist as the beach is steadily eroded. . . . widespread use of seawalls, jetties, and other hard stabilization structures in New Jersey and other northern states is apparently associated with the extirpation of seabeach amaranth in those states. Of all the states in the former range of seabeach amaranth, North Carolina has made the least use of seawalls. The continued presence of seabeach amaranth in North Carolina and in the part of South Carolina's coast lacking seawalls, is probably not accidental or coincidental.

Even nonstructural beach stabilization techniques, such as sand fences and planting of beach-grass, are generally detrimental to seabeach amaranth. Weakley and Bucher (1991) noted that seabeach amaranth only very rarely occurred where sand fences and vegetative stabilization had taken place and, in these situations, was present only as rare scattered individuals.

In some instances beach erosion and lowering of barrier islands has been accelerated by manmade structures built far from the ocean. Damming of large coastal rivers reduces the sediment load carried by the rivers to the coastal environment. Weakley and Bucher (1991) state:

There is evidence in several cases that this has reduced the coastal sediment budget, leading to increased erosion rates. Construction of the Santee Dam on the Santee River in South Carolina, impounding Lake Marion, has probably caused the increased erosion of islands in the vicinity of the mouth of the Santee . . . all of the islands in the vicinity of the Santee's mouth are currently marginal habitat for seabeach amaranth, and it has been extirpated from a number of islands by the frequency of overwash.

Beach renourishment can have positive impacts on this species. Although more study is needed before the long-term impacts can be accurately assessed, several populations are known to have established themselves

on renourished beaches and have thrived through subsequent applications of dredged material (Weakley and Bucher 1991; W. Adams, U.S. Army Corps of Engineers, personal communication, 1991).

Intensive recreational use of beaches threatens amaranth populations in some instances. Pedestrian traffic, even during the growing season, generally occurs in areas where it has little effect on populations of seabeach amaranth. However, ORV use of the beach during the growing season does have detrimental effects on the species. The fleshy stems of this plant are brittle and easily broken and do not generally survive even a single pass by a truck tire. Therefore, even minor beach traffic during the growing season is detrimental, causing mortality and reduced seed production (Weakley and Bucher 1991). ORV traffic is allowed at many of the beaches where this species remains, and these sites generally show severe declines of seabeach amaranth. In contrast, dormant season ORV use has shown little evidence of significant detrimental effects, unless it results in massive physical erosion or degradation of the site. In some cases, winter ORV traffic may actually provide some benefits for the species by setting back succession of perennial grasses and shrubs with which seabeach amaranth cannot compete successfully. Extremely heavy use of an *Amaranthus* site, even in the winter, may have some negative impacts, however, including pulverization of seeds.

Seabeach amaranth appears to be vulnerable to extirpation in two of the three States in which it remains. South Carolina now has only one population with over a hundred plants and a total State census of 188 plants, and New York has only one population with over a hundred plants and a total State census of 357 plants. The many very small populations remaining are highly vulnerable to extirpation from a variety of natural and manmade factors.

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

Amaranthus pumilus, although it does not have showy flowers and is not currently a component of the commercial trade in native plants, is an attractive and colorful plant, with a prostrate growth habit that could lend itself to planting on beach-front lots. Its effectiveness as a sand binder could make it even more attractive for this purpose. In addition, other amaranths have been cultivated as food crops in North, Central, and South America for

nearly 10,000 years and continue to be grown as important crops in temperate and tropical climates throughout the world. "Its importance is magnified by its nutritional value, high in several amino acids often lacking in diets with little meat" (Weakley and Bucher 1991). Currently, seabeach amaranth is being investigated by the U.S. Department of Agriculture and several universities and private institutes for its potential use in crop development and improvement. Its favorable traits of salt tolerance and large seeds could be of commercial value if combined with other desirable crop traits. However, overcollection of seabeach amaranth plants or seeds from wild populations could threaten its continued existence. Because the species is easily recognizable and accessible, it is vulnerable to taking, vandalism, and the incidental trampling by curiosity seekers that could result from increased publicity about the species and the specific areas where it grows.

C. Disease or Predation

No evidence of disease has been seen in seabeach amaranth. However, predation by webworms is a major source of mortality and lowered fecundity. Moderate to severe herbivory by webworms was seen in most populations in both 1987 and 1988, when many populations, particularly the larger ones, were largely defoliated by early fall. Weakley and Bucher (1991) state, "Defoliation at this season appears to result in premature senescence and mortality, reducing seed production (the most basic and critical parameter in the life cycle of an annual species)." Even though the four webworm species so far identified on seabeach amaranth are all native, their use of barrier island habitats has probably been increased by extensive conversion of coastal plain ecosystems to agricultural use and the resulting introduction of weedy plants, which also serve as hosts for the caterpillars. Therefore, the level of predation experienced by seabeach amaranth is probably unnaturally high. Weakley and Bucher (1991) believe that webworm herbivory is a contributing, rather than a leading, factor in the decline of the species. They state, "The combination of extensive habitat alteration and chronic severe herbivory could be a deadly one for seabeach amaranth." On North Carolina's Outer Banks, feral horses graze on seabeach amaranth. The extent and impact of this herbivory, however, is minor compared to the effects of webworm predation.

D. The Inadequacy of Existing Regulatory Mechanisms

Amaranthus pumilus is afforded legal protection in North Carolina by North Carolina general statutes, § 106-202.122, 106-202.19 (Cum. Sup. 1985), which provide for protection from intrastate trade (without a permit) and for monitoring and management of State-listed species, and which prohibit taking of plants without written permission of landowners. *Amaranthus pumilus* is listed in North Carolina as threatened. The species is recognized in South Carolina as threatened and of national concern by the South Carolina Advisory Committee on Rare, Threatened, and Endangered Plants in South Carolina; however, this State offers no official protection. In New York the species is not currently listed, since it was only recently rediscovered there. State legislation offers no protection to the habitat of seabeach amaranth in any of the three States where it remains, and habitat loss/modification and predation seem to be the main threats to the continued existence of the species. Federal/State regulation of development in coastal areas under the Coastal Areas Management Act has undoubtedly helped protect the habitat of seabeach amaranth; however, the scope of these regulations is limited and does not preclude all forms of habitat degradation that adversely affect this species. The Endangered Species Act would provide additional protection and encouragement of active management and recovery actions for *Amaranthus pumilus*.

E. Other Natural or Manmade Factors Affecting its Continued Existence

Little is known about the demographics and reproductive requirements of this species in the wild. As a fugitive species dependent on a dynamic landscape and large-scale geophysical processes, seabeach amaranth is extremely vulnerable to habitat fragmentation and isolation of small populations. As stated by Weakley and Bucher (1991):

In New Jersey and New York, it has been extirpated or severely diminished by the fortification and modification of a portion only of the coastline. Rendering 50 percent or 75 percent of a coastline "permanently" unsuitable may doom seabeach amaranth, because any given area will become unsuitable at some time because of natural forces. If a seed source is no longer available in the vicinity, amaranth will be unable to reestablish itself when the area is once again suitable. In this way, it can be progressively eliminated even from generally favorable stretches of habitat surrounded by "permanently" unfavorable areas * * *

fragmentation of habitat in the north has apparently led to regional extirpation, resulting from the separation of suitable habitat areas from one another by too great a distance to allow recolonization following natural catastrophes. Though apparently suitable habitat is present in a number of northern states formerly part of seabeach amaranth's range, it is no longer found there * * * seabeach amaranth grows above the high tide line, and is intolerant of even occasional flooding during its growing season. It does not, however, grow more than a meter or so above the beach elevation on the foredune or anywhere behind the foredune (except very rarely and extraordinarily). It is, therefore, dependent on a terrestrial, upper beach habitat, unflooded during the growing season from May into the fall. This zone is absent on barrier islands that are experiencing significant rates of beach erosion. If data and hypotheses suggesting future increases in sea level are correct, beach erosion will accelerate and put further pressure on seabeach amaranth.

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 *Amaranthus pumilus* as threatened. With the species already having been extirpated from two-thirds of its historic range, and based upon the threats to most of the remaining populations, it warrants protection under the Act. Threatened status seems appropriate since there are 55 remaining populations, including some large ones in areas protected from development and beach stabilization.

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 propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Amaranthus pumilus* at this time. As discussed in Factor B in the "Summary of Factors Affecting the Species," *Amaranthus pumilus* is vulnerable to taking, and taking prohibitions are difficult to enforce. Take is regulated by the Act with respect to threatened plants only in cases of removal and reduction to possession from lands under Federal jurisdiction. Most populations of *Amaranthus pumilus* are located on private lands. Although North Carolina general statutes prohibit collection of *Amaranthus pumilus* without permission from the landowner, unlawful taking is

difficult to enforce, and publication of critical habitat descriptions would make it more vulnerable, increasing enforcement problems for the State of North Carolina. In addition, while listing under the Act increases public awareness of the species' plight, it can also increase the desirability of a species to collectors. As stated previously, *Amaranthus pumilus* is an attractive plant, whose populations are easily accessible. It also could be adversely affected by increased visits to and associated trampling of occupied sites by curiosity seekers as a result of critical habitat designation and accompanying increases in specific publicity.

An additional factor making critical habitat designation not prudent for this species concerns the tendency for its distribution to be very variable. The discussion in the "Background" section contains a quote from Weakley and Bucher (1991) concerning the "fugitive" nature of seabeach amaranth. Because of the dynamic character of barrier island beaches and inlets, the quantity and location of suitable habitat for seabeach amaranth is potentially subject to considerable change both within and between years. The passage of a hurricane or a severe storm may eliminate the species from some areas, while also creating habitat in other areas. The new habitat in turn may eventually become colonized and produce populations larger than the ones that were lost. This plant's lack of tolerance for competition from other plants, and the fact that its continued existence and abundance is also dependent upon the fate of its seed production further contribute to its lack of permanence at any one location and negate the practicality of designating critical habitat.

For all of the foregoing reasons, it would not be prudent to determine critical habitat for *Amaranthus pumilus*. The Federal and State agencies and landowners involved in protecting and managing the habitat of this species have been informed of the plant's locations and the importance of its protection. Protection of this species' habitat will be addressed through the recovery process and through the section 7 consultation process.

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. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants 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 the 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.

Federal activities that could impact *Amaranthus pumilus* and its habitat in the future include, but are not limited to, the following: Construction of beach stabilization structures, such as jetties, groins, bulkheads, and sand fences; beach renourishment and deposition of dredged spoil; and regulation of recreational beach use on Federal lands. The Service will work with the involved agencies to secure protection and proper management of *Amaranthus pumilus* while accommodating agency activities to the extent possible.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, 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. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers.

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 regulation, including State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulations. This protection may apply to threatened plants once revised regulations are promulgated. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened 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 North Fairfax Drive, room 432, 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 governmental agencies, the scientific community, industry, or any other interested party concerning the 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 this species;
 - (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, distribution, and population size of this species; and
 - (4) Current or planned activities in the subject area and their possible impacts on this species.
- Final promulgation of the regulation on this species will take into

consideration the comments and any additional information received by the Service, and such communications may lead to 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 received within 45 days of the date of publication of the proposal. Such requests must be made in writing and should be addressed to the Field Supervisor, Asheville Field Office (see "ADDRESSES" section).

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

Bucher, M., and A. Weakley. 1990. Status survey of seabeach amaranth (*Amaranthus pumilus* Rafinesque) in North and South Carolina. Report to North Carolina Plant Conservation Program, North Carolina Department of Agriculture, Raleigh, NC, and Endangered Species Field Office, U.S. Fish and Wildlife Service, Asheville, NC. 149 pp.

Clemants, S. and C. Mangels. 1990. *Amaranthus pumilus*—1990 New York State status survey. Report to U.S. Fish and Wildlife Service, Newton Corner, MA. 11 pp.

Mangels, C. 1991. Seabeach amaranth in New York State. *New York Flora Association Newsletter* 2(2):7-8.

Radford, A., H. Ahles, and C. Bell. 1968. Manual of the vascular flora of the Carolinas. University of North Carolina Press, Chapel Hill, NC.

Rafinesque schmaltz, C.S. 1808. Essential generic and specific characters of some new genusses (sic) and species of plants observed in the United States of America, in 1803 and 1804. *The Medical Repository* II(5)356-363.

Weakley, A., and M. Bucher. 1991. Status survey of seabeach amaranth (*Amaranthus pumilus* Rafinesque) in North and South Carolina, second edition (after Hurricane Hugo). Report to North Carolina Plant Conservation Program, North Carolina Department of Agriculture, Raleigh, NC, and Endangered Species Field Office, U.S. Fish and Wildlife Service, Asheville, NC. 149 pp.

Author

The primary author of this proposed rule is Ms. Nora Murdock (see "ADDRESSES" section).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation 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 50 CFR 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) It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under *Amaranthaceae*, 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					
Amaranthaceae—Amaranth family:						
<i>Amaranthus pumilus</i>	Seabeach amaranth.....	U.S.A. (DE, MA, MD, NC, NJ, NY, T RI, SC, and VA).			NA	NA

Dated: May 11, 1992.
 Richard N. Smith,
 Acting Director, Fish and Wildlife Service.
 [FR Doc. 92-12149 Filed 5-22-92; 8:45 am]
 BILLING CODE 4310-55-M