Calhoun, Georgia; and *The Jasper Journal*, Jasper, Tennessee.

The Service received 11 comments in response to the proposal. Eight comments supported the proposed listing of *Scutellaria montana*, provided additional information on threats to the species, and/or provided additional information on distribution and land ownership. One of these eight was from a Federal agency, two were from State agencies, and five were from private individuals or organizations. Mr. Robert McCartney provided information on the merits of having federally listed species available through commercial suppliers; he also questioned the significance of taking as a threat to listed species and voiced concerns over effects of the Act's trade restrictions. Three comments, one from a Federal agency, one from a private individual, and one from a private organization, were non-substantive in nature.

The Service has incorporated the new information provided on the status of *Scutellaria montana* into the appropriate sections of this rule. The Service recognizes the role of the commercial propagation of listed species in reducing taking pressures on these species in the wild. The Service routinely grants permits for the import and export of and interstate commerce in listed plants when such material is of cultivated origin and it contributes to the conservation of the species. As stated elsewhere in this rule, the Service believes that taking is potentially a significant threat to this species.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Scutellaria montana* should be classified as an endangered species. Procedures found at 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 were followed. 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 *Scutellaria montana* Chapm. (large-flowered skullcap) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range

Scutellaria montana has been and continues to be endangered by human-induced alterations of its habitat. The most significant of these threats to the species' continued existence are logging, wildfires, livestock grazing, and residential development (Kral 1983; Collins in preparation). Eighty percent of the site with the largest known *Scutellaria montana* population has been subdivided and is currently being offered for sale (Hawks 1986). A large portion of the second-largest population is on land owned and managed by The Nature Conservancy and is therefore afforded protection. The third largest population occurs on privately owned land and is currently afforded no protection from future timber harvesting or land use changes. All remaining populations are extremely small, consisting of from 4 to 60 plants, and are vulnerable to even slight modifications of their remaining habitat (Rose 1985). One of these small populations may have in fact been destroyed or adversely impacted by timber harvesting conducted before the landowner was aware of the presence of *Scutellaria montana*.

B. Overutilization for commercial, recreational, scientific, or educational purposes

Scutellaria montana is not currently a significant component of the commercial trade in native plants; however, the species has potential for horticultural use and publicity of the species could generate an increased demand.

C. Disease or predation

Not applicable to this species at this time.

D. The inadequacy of existing regulatory mechanisms

Scutellaria montana is listed as a threatened species on Georgia's official State list. Under the Georgia Wildlife Preservation Act of 1973, listed species are protected from unauthorized removal or cutting from public lands. Listed species offered for sale in Georgia must have a certificate stating that they did not originate from public lands. *Scutellaria montana* is listed as an endangered species on Tennessee's unofficial list of endangered, threatened, and rare plant species. The recently enacted Tennessee Rare Plant Protection and Conservation Act of 1985 will provide some protection for *Scutellaria montana* once the provisions of this act are implemented later this year. The Endangered Species Act will offer additional protection through the recovery process.

E. Other natural or manmade factors affecting its continued existence

Scutellaria montana is an extremely rare species which only occurs within a limited geographical area in southeastern Tennessee and adjacent northwestern Georgia. In some populations, loss of even a few individuals through natural fluctuations in numbers or human-induced habitat alterations could eliminate the population and thereby appreciably reduce the likelihood that the species will continue to exist.

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 make this rule final. Based on this evaluation, the preferred action is to list *Scutellaria montana* as endangered. With a small number of populations of this species known to exist, it definitely warrants protection under the Act; endangered status seems appropriate because of the severe threats facing most of the species' remaining habitat. 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 designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Scutellaria montana* at this time. The species has potential for horticultural use. Increased publicity and the provision of specific location information associated with critical habitat designation could result in taking pressures on the species. Publication of critical habitat descriptions would make *Scutellaria montana* more vulnerable to taking, since most of the known populations are on privately owned land. Eight of ten of the known populations consist of only a small number of individuals, and the loss of even a few plants from these populations could jeopardize the species. The landowners involved in managing the habitat of the large-flowered skullcap have been informed of the locations of this species and of the importance of protecting it. Therefore, no additional benefits from the notification function of critical habitat designation would result. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it is not prudent to determine critical habitat for *Scutellaria montana* at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or

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