

a canopy of mature hardwoods (primarily oaks and hickories) in undisturbed areas. Increment boring of the canopy trees on these sites demonstrates that the trees range from 70 to over 200 years old, depending upon the site (Collins in preparation).

During the late 19th century, Dr. Chapman frequently collected plants from the Rome, Georgia, area and *Scutellaria montana* was collected by him on several occasions. Only four additional collections of *Scutellaria montana* were made between Chapman's 19th century collections and 1973. All of these historic populations (one in Catoosa County, Georgia, and three in Hamilton County, Tennessee) have vague location descriptions and are either not locatable or destroyed. As part of a taxonomic revision of the Annulatae section of *Scutellaria*, J. L. Collins, Tennessee Valley Authority (personal communication 1985), searched most of the available suitable habitat in the vicinity of the historic locations in Georgia and Tennessee. Between 1973 and 1982, Collins discovered eight populations of *Scutellaria montana*. At least one and maybe two of these sites may have been known to Dr. Chapman, while the remainder are clearly recently discovered populations. The Tennessee Heritage Program conducted an intensive evaluation of natural areas within the Tennessee River Gorge in the vicinity of Chattanooga during 1983 and 1984. Two additional populations of *Scutellaria montana* were discovered during this intensive study. Historically, *Scutellaria montana* was probably a more widespread species. However, the mature, undisturbed hardwood stands that this species requires have been removed and are now quite limited. Collins (in preparation) states that "such habitats in the heavily farmed, timbered and populated Ridge and Valley Province are quite literally few and far between."

At the present time there are ten known populations of *Scutellaria montana*; seven of these occur in Georgia and three in Tennessee. There are four known populations in Floyd County, Georgia. These will be designated here as sites 1 through 4 for purposes of discussion. Site 1 contains approximately 1,300 plants. Most of this site is owned and protected by The Nature Conservancy. Site 2 is privately owned and contains about 250 plants. This site is unprotected and is threatened by an adjacent quarrying operation. Sites 3 and 4 are both on privately owned unprotected lands. These sites contain only 50 and 35

plants, respectively. Gordon County, Georgia, contains one population of this species. This population is on unprotected privately owned land which was logged several years ago. At last report the population consisted of 20 individual plants. Walker County, Georgia, has two populations of *Scutellaria montana*; both are on unprotected private land and contain 60 plants and 5 plants, respectively.

There are three known populations of *Scutellaria montana* in Tennessee. Two populations are in Hamilton County, Tennessee. Both sites are on unprotected privately owned land. One site contains 45 plants and the other has only 4 plants. The last site is in Marion County, Tennessee. This location contains the largest population of *Scutellaria montana* (approximately 5,000 plants). About 20 percent of the area and plants is on land owned and managed by the Tennessee Department of Conservation's Division of Forestry. The remainder of the site is privately owned and is on land that has been subdivided for residential development and is currently being offered for sale.

At the present time, less than 7,000 *Scutellaria montana* plants total are known to exist. Over 90 percent of these occur at only two sites. Although these two largest populations receive some protection, neither these nor any other known site is completely protected (Collins, in preparation; P. Somers, Tennessee Natural Heritage Program, personal communication 1985, Hawks 1986).

Federal government actions on this species began with Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. The Service published a notice in the July 1, 1975, Federal Register (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) [now section 4(b)(3)] of the Act, and of its intention thereby to review the status of the plant taxa named within. *Scutellaria montana* was included in the July 1, 1975, notice of review. On December 15, 1980, the Service published a revised notice of review for native plants in the Federal Register (45 FR 82480); *Scutellaria montana* was included in that notice as a category-1 species. Category-1 species are those for which the Service has information of file supporting the appropriateness of proposing to list

them as endangered or threatened. On November 28, 1983, the Service published a supplement to the notice of review for native plants in the Federal Register (48 FR 53640). *Scutellaria montana* was changed to a category-2 species in this supplement. Category-2 species are those for which listing as endangered or threatened species may be warranted, but for which the substantial data on biological vulnerability and threats are not currently known or on file to support proposed rules. Subsequent to this notice the Service received a draft report on the status of *Scutellaria montana* (Collins in preparation). This status report and other available information indicated that the addition of *Scutellaria montana* to the Federal List of Endangered and Threatened Plants is warranted.

Section 4(b)(3)(B) of the Endangered Species 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 *Scutellaria montana* because of the acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983, October 12, 1984, and October 11, 1985, the Service found that the petitioned listing of *Scutellaria montana* was warranted but precluded by other listing actions of a higher priority and that additional data on vulnerability and threats were still being gathered. On November 13, 1985, the Service published, in the Federal Register (50 FR 46797), a proposal to list *Scutellaria montana* as an endangered species. That proposal constituted the next one-year finding as required by the 1982 amendments to the Endangered Species Act.

Summary of Comments and Recommendations

In the November 13, 1985, proposed rule (50 FR 46797) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting public comment were published in the following newspapers: *The Walker County Messenger*, Lafayette, Georgia; *The Rome News-Tribune*, Rome, Georgia; and *The Calhoun Times*,