

identified as impacting Tribal trust resources. *D. bakeri* and *D. luteum* are known only to occur on private lands. We are not aware of any Tribal lands in or near our critical habitat units for *D. bakeri* and *D. luteum*. Therefore, we have determined that there are currently no Tribal lands essential for the conservation of *D. bakeri* or *D. luteum* because they do not support populations or provide essential habitat for either plant species. If we learn of any Tribal lands in the vicinity of the critical habitat designation subsequent to this proposal, we will coordinate with the Tribes before making a final determination as to whether any Tribal lands should be included as critical habitat for *D. bakeri* or *D. luteum*.

References Cited

A complete list of all references cited herein is available upon request from the Sacramento Fish and Wildlife Office (see **ADDRESSES** section)

Author

The primary authors of this final rule are Kirsten Tarp and Glen Tarr, Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, we 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 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. In § 17.12(h), revise the entries for “*Delphinium bakeri*” and “*Delphinium luteum*,” under “FLOWERING PLANTS,” to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

| Species | | Historic range | Family | Status | When listed | Critical habitat | Special rule |
|-------------------------------|------------------------|-------------------|---------------------|--------|-------------|------------------|--------------|
| Scientific name | Common name | | | | | | |
| FLOWERING PLANTS | | | | | | | |
| * | * | * | * | * | * | | * |
| <i>Delphinium bakeri</i> | Baker's larkspur | U.S.A. (CA) | Ranunculaceae | E | 681 | 17.96(a) | NA |
| <i>Delphinium luteum</i> ... | Yellow larkspur | U.S.A. (CA) | Ranunculaceae | E | 681 | 17.96(a) | NA |
| * | * | * | * | * | * | | * |

3. In § 17.96, amend paragraph (a) by adding critical habitat entries for “Family Ranunculaceae *Delphinium bakeri*” and “Family Ranunculaceae *Delphinium luteum*” in alphabetical order to read as follows:

§ 17.96 Critical habitat—plants.

(a) * * *

Family Ranunculaceae: *Delphinium bakeri* (Baker's larkspur)

(1) Critical habitat units are depicted for Sonoma and Marin counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for *Delphinium bakeri* are the habitat components that provide:

(i) Soils that are derived from decomposed shale;

(ii) Plant communities that support associated species, including, but not limited to: *Umbellularia californica* (California bay), *Aesculus californica* (California buckeye), *Quercus agrifolia* (coastal live oak), *Baccharis pulularis* ssp. *consanguinea* (coyotebrush), *Symphoricarpos* cf. *rivularis* (snowberry), *Rubus ursinus* (California blackberry), *Pteridium aquilinum* (bracken fern), *Polystichum munitum* (Sword fern), *Pityrogramma triangularis* (goldback fern), *Dryopteris arguta* (coastal woodfern), *Adiantum jordanii* (maidenhair fern), *Polypodium glycyrrhiza* (licorice fern), *Toxicodendron diversilobum* (poison oak), *Ceanothus thyrsiflorus* (blueblossom ceanothus), *Lithophragma affine* (woodland star), and *Holodiscus discolor* (oceanspray); and

(iii) Mesic conditions on extensive north-facing slopes.

(3) Critical habitat does not include existing features and structures made by people, such as buildings, roads and other paved areas, lawns, and developed areas not containing one or more of the primary constituent elements.

(4) Critical Habitat Map Units.

(i) Data layers defining map units were created on a base of USGS 7.5' quadrangles obtained from the State of California's Stephen P. Teale Data Center. Proposed critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates.

(ii) Map 1—Index map for *Delphinium bakeri* follows:

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