

management of future activities that may arise within the range of the species (S. Carter, pers. comm. 2002). Part of BLM's commitment to the delisting of *E. hooveri* will be the establishment of key monitoring locations on public land in the four metapopulations (see "Background" under **SUPPLEMENTARY INFORMATION**). Additionally, BLM will evaluate the effects of any proposed management changes on *E. hooveri* and will periodically evaluate whether the objective of maintaining sufficient numbers and distribution to preclude listing is being met. Management strategies will be adapted to meet this objective if necessary (Tim Burke, Acting BLM State Director, *in litt.* 2002).

Eriastrum hooveri is not a State-listed species under the California Endangered Species Act.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Although *Eriastrum hooveri* is not a desirable forage plant for livestock, damage can occur by trampling as animals travel across the plants getting to areas they desire. Only five percent of the sites recorded by Lewis on BLM lands were affected by cattle and sheep grazing activities (BLM 1994). Occasionally sheep trespass in *E. hooveri* habitat, but sheep usually remain in one area for only a few days. Livestock trampling does not appear to constitute a serious threat to *E. hooveri*.

At the time of listing, competition with nonnative grasses was cited as a threat. Recent research and surveys have shown that *Eriastrum hooveri* prefers low densities of competing plants, whether nonnative or native. Although *E. hooveri* may initially colonize areas having low plant cover because of disturbance, it subsequently may be out-competed by nonnative plants in areas with sufficient moisture (*E. Cypher*, pers. comm. 1995). Taking into consideration the discovery of the wide distribution of this species and the abundance and extent of preferred (sparse) habitat areas, competition with nonnative grasses is no longer considered a threat to the long-term survival of *E. hooveri*.

The Service has determined that grazing and competition from nonnative plants is currently not a threat to the species at a level for which protection of the Act is necessary, but acknowledges that the potential for poorly managed grazing and the pervasive problem of nonnative invasive plants remains to some degree. We believe, however, that management commitments by BLM will protect *Eriastrum hooveri* from these situations

far into the future. These residual threats, even when taken collectively with other residual threats, are sufficiently reduced and contained so that the species is no longer threatened or endangered. Because this delisting is based partly on commitments by BLM for best management practices to be utilized by all grazing lessees and other such practices that will limit encroachment by nonnative plants, the Service will monitor, as part of the required post-delisting monitoring, the commitments by BLM.

In summary, *Eriastrum hooveri* is more widespread and abundant than was documented at the time of listing and is more resilient and less vulnerable to certain activities, particularly impacts from grazing and oil and gas development, than previously thought. Consequently, *E. hooveri* is no longer likely to become in danger of extinction within the foreseeable future throughout all or a significant portion of its range. This action removes *E. hooveri* from the Federal List of Endangered and Threatened Species.

Effective Dates

In accordance with 5 U.S.C. 553(d), we have determined that this rule relieves an existing restriction and good cause exists to make the effective date of this rule immediate. Delay in implementation of this delisting would cost government agencies staff time and monies conducting formal section 7 consultation on actions that may affect species no longer in need of the protections under the Act. Relieving the existing restrictions associated with this listed species will enable Federal agencies to focus their attention on other species in need of protection.

Effects of the Rule

This action removes *Eriastrum hooveri* from the List of Endangered and Threatened Plants and removes the protections afforded *E. hooveri* under the Act. However, protection provided to *E. hooveri* through incidental take permits for co-occurring listed animal species associated with HCPs issued under section 10(a)(1)(B) of the Act will continue by virtue of *E. hooveri* remaining as a covered species in HCPs developed for multiple species that remain listed under the Act. Currently, *E. hooveri* is a covered species in at least six HCPs in the San Joaquin Valley for which incidental take permits have been issued for various listed animal species. After delisting, *E. hooveri* will no longer be a covered listed species under these existing multi-species HCPs; instead *E. hooveri* becomes a covered non-listed species under the same HCP as of the

effective date of this final rule. In order to receive No Surprises assurances, the permit holder must continue to abide by the original conditions of the permit (50 CFR 17.22(b)(5) and 17.32(b)(95)). If the permittee's actions violate the terms of the permit, then the permittee is outside the safety net of No Surprises should the species be relisted under the Act in the future.

After the effective date of this rule, Federal agencies will no longer be required to consult with us under section 7 of the Act to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of *Eriastrum hooveri*. However, BLM intends to designate *E. hooveri* as a sensitive species and will continue to minimize impacts to the species at all known sites that are under its jurisdiction. The use of *E. hooveri* must comply with State regulations. There is no designated critical habitat for this species. There are no specific preservation or management programs for the species that are terminated.

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires that the Secretary of the Interior, through the Service, implement a monitoring program for not less than five years for all species that have been recovered and delisted. Post-delisting monitoring (PDM) refers to activities undertaken to verify that a species delisted due to recovery remains secure from risk of extinction after it has been removed from the protections of the Act. The primary goal of PDM is to confirm that the species does not require relisting as threatened or endangered during the period following removal of the Act's protection. Therefore, we anticipate that data collection for PDM will be but a subset of that which was collected in support of the delisting rule. In general, PDM plans will monitor demographic data over a set period of time, and may monitor residual threats (see "Definitions") or the effect on the species of the removal of the protections afforded by the Act, or be designed to detect new threats. If at any time during the PDM data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing. A PDM plan is being drafted in a cooperative effort between the Service and BLM to guide the collection and evaluation of pertinent information over the monitoring period.

Post-Delisting Monitoring Plan Overview

The management practices of, and commitments by, the BLM, on whose