

ACTION: Proposed Rule Designating Critical Habitat for the California elderberry longhorn beetle.

SUMMARY: The Service repropose Critical Habitat for the California elderberry longhorn beetle (*Desmocerus dimorphus californicus*). Threatened status and Critical Habitat were originally proposed for this species on August 10, 1978 (43 FR 35836-43). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382-12384) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This proposed rule complies with the changed requirements.

DATES: Comments from the public must be received by June 30, 1980.

Comments from the Governor of California must be received by July 30, 1980.

A public meeting on this proposal will be held on May 22, 1980.

A public hearing on this proposal will be held on June 12, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The times and places of the public and hearing on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The California elderberry longhorn beetle was proposed as Threatened, with Critical Habitat, on August 10, 1978 (43 FR 35836-43). Before final action could be taken on this proposal, Congress passed the Endangered Species Act Amendments of 1978, which changed the procedures the Service must follow when designating Critical Habitat. The present rulemaking complies with the amendments.

The California elderberry longhorn beetle formerly occurred in riparian (streamside) environments in the lower Sacramento and upper San Joaquin Valleys of California. Much of this habitat type has been destroyed by stream channelization, levee

construction, and development of riverfront properties. It is not known if the California elderberry longhorn beetle still occurs in the San Joaquin Valley. In the Sacramento Valley, the beetle is known only from the American River near its confluence with the Sacramento River, and from Putah Creek, Sonoma County. The beetle can only be found in areas where the host plant, *Sambucus glauca*, occurs in good stands.

No information has been received that would warrant a change in the previously proposed status of the California elderberry longhorn beetle.

Information Sources

Eya, B.K. Undated. Distribution and status of a longhorn beetle, *Desmocerus dimorphus californicus* Fisher (Coleoptera: Cerambycidae). Unpublished manuscript.

Factors Affecting the Species

The major threat to the California elderberry longhorn beetle is changed land use in the riverside habitats to which it is restricted. Examples of activities which could adversely affect the beetle are:

1. Modification of riparian habitats by river channelization.
2. Construction of buildings, roads, bridges, or parking lots, directly eliminating the beetle's host plant, elderberry (*Sambucus glauca*).
3. Human disturbance, such as vandalism or fire, resulting from increased recreational use, which adversely affects the beetle.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas within the geographical range of the California elderberry longhorn beetle should be designated Critical Habitat because they contain populations of the beetle's host plant which is essential to its survival. This beetle occupies a limited range and is susceptible to changes in its riverside

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AGENCY: Fish and Wildlife Service, Interior.

habitat. Because changes in the area occupied by the species could result in its extinction, designation of Critical Habitat is essential for this beetle's conservation.

The reproposal of Critical Habitat includes two areas not included in the August 10, 1978 (43 FR 35636-43) proposal. Information provided by Dr. Arthur Shapiro of the Department of Zoology of the University of California at Davis indicated that two of the largest colonies of the California elderberry longhorn beetle were not included in the previously proposed Critical Habitat. The repropoed Critical Habitat includes these colonies.

Constituent elements of the Critical Habitat essential to the continued survival of the California elderberry longhorn beetle are populations of the elderberry, *Sambucus glauca*, on which the beetle feeds and lays its eggs.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that there will be no significant economic or other impacts resulting from this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use that document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the California elderberry longhorn beetle.

A detailed summary of comments responding to the original proposal for listing the species and to this reproposal of Critical Habitat will appear at the time of final rulemaking.

Effect of This Proposal if Published as a Final Rule

Section 4(f)(4) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Activities that modify the species' habitat were discussed above. Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

Designation of Critical Habitat is not expected to have a major effect on any of the activities mentioned in the Factors section above. Most of the land proposed as Critical Habitat is owned by the County of Sacramento and is part of the American River Parkway. The Sacramento County Department of Parks and Recreation is aware of the

presence of the California elderberry longhorn beetle and wishes to conserve the beetle and its riparian habitat. There are no known or anticipated Federal involvements on the privately owned lands which have been proposed as Critical Habitat; therefore, no significant impact is expected to result from designation of Critical Habitat.

Public Meetings

The Service hereby announces that public meetings will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meeting and hearing is set out below:

Public Meeting

Place: Tennis Club, 4120 Chiles Road, Davis, California
Date: May 22, 1980
Time: 7:30-10 pm
Subject: California elderberry longhorn beetle

Public Hearing

Place: Tennis Club, 4120 Chiles Road, Davis, California
Date: June 12, 1980
Time: 7:30-10 pm
Subject: California elderberry longhorn beetle

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the California elderberry longhorn beetle. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to this species;
2. Additional information concerning the range and the distribution of the species;
3. Current or planned activities in the subject areas;
4. The probable impacts on such activities if the area is designated as Critical Habitat; and
5. The foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of

Section 102(2)(c) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

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:

§ 17.95 [Amended]

1. It is proposed that § 17.95(i), Insecta, be amended by adding Critical Habitat for the California elderberry longhorn beetle as follows:

California elderberry longhorn beetle (*Desmocerus dimorphus californicus*)

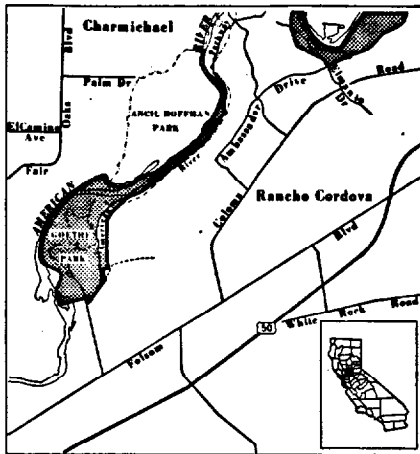
California. Sacramento County.

(1). Sacramento Zone. An area in the city of Sacramento enclosed on the north by the Route 160 Freeway, on the west and southwest by the Western Pacific railroad tracks, and on the east by Commerce Circle and its extension southward to the railroad tracks.

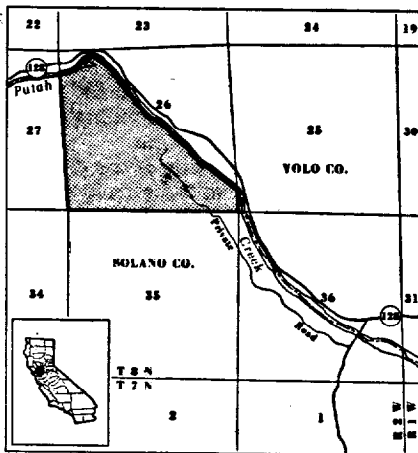


(2). American River Parkway Zone. An area of the American River Parkway on the south bank of the American River, bounded on the north by latitude 38°37'30" N, on the west and southwest by Elmanto Drive from its junction with Ambassador Drive to its extension to latitude 38°37'30" N, and on the south and east by Ambassador Drive and its extension north to latitude 38°37'30" N, Goethe Park, and that portion of the American River Parkway northeast of

Goethe Park, west of the Jedediah Smith Memorial Bicycle Trail, and north to a line extended eastward from Palm Drive.



(3). Putah Creek Zone. California.
Solano County, R. 2 W T. 8 N. Solano
County portion of Section 26.



Dated: April 24, 1980.

Reproposal of Critical Habitat for
California elderberry longhorn beetle.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

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