

resulting in the extirpation of the species (Curto 1992). Most known populations of *T. californicum*, including Hitchcock Ranch, Big Meadow (Forest Service), and Pan Hot Springs (City of Big Bear), are so limited in numbers (R. Vizgirdas, U.S. Fish and Wildlife Service, pers. comm. 1992) that they may not survive in the future without recovery actions such as reducing competition from exotic plants and restoring degraded habitat areas.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the Service finds that *Poa atropurpurea* and *Taraxacum californicum* are in imminent danger of extinction throughout all or a significant portion of their ranges due to habitat destruction and alteration resulting from urban and recreational development; grazing; trampling by livestock and humans; inadequacy of existing regulatory mechanisms; genetic absorption; stochastic extinction; and competition from exotic plant species. Therefore, the preferred action is to list *P. atropurpurea* and *T. californicum* as endangered. Other alternatives to this action were considered but not preferred because not listing these species at all, or listing them as threatened would not provide adequate protection or would not be in keeping with the purposes of the Act.

For the reasons discussed above, the Service finds that *Arabis johnstonii*, *Arenaria ursina*, *Castilleja cinerea*, *Eriogonum kennedyi* var. *austromontanum*, and *Trichostema austromontanum* ssp. *compactum* are likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges if identified threats are not reduced or eliminated. Threats to these five taxa include habitat destruction and alteration from urban development and off-road vehicle activity; habitat degradation and predation by livestock and feral burros; trampling; and stochastic events. The Service has determined that threatened rather than endangered status is appropriate for *A. johnstonii*, *A. ursina*, *C. cinerea*, *E. kennedyi* var. *austromontanum*, and *T. a. ssp. compactum* primarily because the Forest Service has initiated some measures to protect these species. Management activities conducted by the Forest Service (such as fencing, signing, and monitoring various sensitive habitat areas) have reduced the potential for habitat destruction by human activities to the degree that the danger of

extinction for these taxa is not imminent. However, the signs and fences are often destroyed or removed, hence most localities containing these taxa remain vulnerable to trespass by off-road vehicles and other recreational users (Neel, pers. comm. 1993). Other alternatives to this action were considered but not preferred because not listing these species at all would not provide adequate protection and would not be in keeping with the purposes of the Act. Listing them as endangered would not be appropriate as the Forest Service has decreased the danger of extinction at the present time. Critical habitat is not being proposed for these species at this time, as discussed below.

Critical Habitat

Critical habitat is defined by section 3 of the Act as: (i) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.21) require 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 these taxa at this time. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

As discussed in Factors A and B, vandalism, primarily by through unauthorized trespassing in motorized vehicles, is a threat to these species. One documented example of intentional habitat destruction has been cited above in an area containing several of the species proposed herein for listing. Acts of vandalism and habitat destruction

against other Federally listed endangered species in the region discussed in this rule have occurred when the location of plant populations were divulged (Mary Meyer, CDFG, pers. comm. 1995). The publication of the required maps and descriptions for a critical habitat proposal would increase the degree of threat to these taxa from possible take or vandalism. The listing of species as endangered or threatened publicizes their rarity, and can make them more susceptible to collection by researchers or curiosity seekers. Designation of critical habitat could further contribute to their decline and increase enforcement problems.

In addition, designation of critical habitat would not be beneficial for these species. All Federal agencies and local planning agencies involved were notified of the location and importance of protecting habitat for these species. For the populations under Federal jurisdiction, protection of the habitat of these species will be addressed through the Act's section 4 recovery process and section 7 consultation process. Those populations extant on privately owned lands would receive no benefit from critical habitat designation. For the reasons discussed above, the Service finds that designation of critical habitat for these taxa is not prudent at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery plans be developed for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of