pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(c)(i) of the Act. The finding was reviewed in October of 1984 through 1991. There are no pending petitions for *Pentachaeta bellidiflora* or *Dudleya setchellii*.

A proposed rule to list Castilleja neglecta, Ceanothus ferrisae, Cirsium fontinale var. fontinale, Clarkia franciscana, Cordylanthus tenuis ssp. capillaris, Dudleya setchellii, Eriophyllum latilobum, Pentachaeta bellidiflora, Streptanthus albidus ssp. albidus, and Streptanthus niger as endangered and Calochortus tiburonensis and Hesperolinon congestum as threatened was published in the Federal Register on December 14, 1992 (57 FR 59053). This proposal was based primarily on information supplied by reports from the Natural Diversity Data Base and observations by botanists.

## **Summary of Comments and Recommendations**

In the December 14, 1992, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The public comment period ended on February 12, 1993. Appropriate State agencies, county and city governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in The Napa Register on January 5, 1993, The Oakland Tribune, January 2, 1993, San Jose Mercury News, January 3, 1993, San Francisco Chronicle, December 31, 1992, and Santa Rosa Press Democrat, no date recorded, which invited general public comment. No public hearing was requested or held.

Fifteen written comments were received from 14 individuals. Among the 11 commenters supporting the listing were The California Native Plant Society, Sierra Club, and Missouri Botanic Garden. Three comments were neutral. One commenter opposed the listing of one species. Several commenters provided detailed information on the location and size of newly recorded populations and the condition of previously recorded populations. This data has been incorporated into this rule. The opposing comment and other comments questioning the rule have been organized into specific issues. These

issues and the Service's response to each are summarized as follows:

Issue 1. One commenter stated that the serpentine soils in the Santa Clara Valley between the City of San Jose and Anderson Lake have not been adequately surveyed for *Dudleya setchellii*; therefore, the current level of knowledge does not warrant listing of this species as endangered.

Service Response: The Santa Clara Valley is the only known habitat for this edaphically restricted species, first collected on Tulare Hill in 1896. Many surveys have been done in this area, particularly in recent years (Entomological Consulting Services 1990; City of San Jose 1991; City of San Jose 1992; CH2M Hill 1992; City of San Jose 1993). The Service uses the best information available at the time of listing to make the determination of endangered status. Current information indicates that the majority of known populations are located on private land and are threatened imminently with urbanization. Three proposed projects, which include residential development, a school, a church, roads, and a golf course, in the Santa Clara Valley are planned to be built on sites containing populations of Dudleya setchellii. Although more populations of this species may be discovered, the amount of remaining suitable habitat is limited and close to rapidly expanding urban areas. Santa Clara County, which contains the Santa Clara Valley from San Jose south to Anderson Lake, grew by 1.5 percent from 1991 to 1992 and is predicted to grow by 12.0 percent by year 2000 (Calif. Dept. of Finance 1992). Any newly found sites, therefore, likely will be subject to the same threats as known populations. In support of the contention that unrecorded populations of D. setchellii exist in the Valley, the commenter included a list of 11 new populations that he had submitted for addition to the CNPS rare plant inventory. Only two of these sites have been accepted by CNPS as new populations (R. Bittmann, pers. comm., 1993). In addition, the largest of the sites noted by the commenter is an extension of a previously known population and is threatened by the proposed Cerro Plata Residential and Golf Course Project (CNDDB 1993, City of San Jose 1993).

Issue 2. The Director of Public Works, County of San Mateo, voiced a concern that the responsibility of maintaining roads for the well being and safety of citizens may be in conflict with the Act when road crews remove soil and debris containing plants and seeds of Eriophyllum latilobum.

Service Response: Acts prohibited under section 9(a)(2)(B) of the Act are described in detail in Available Conservation Measures. The Service is concerned over the loss of this species during regular road maintenance and continuing soil slippage that results in plant loss; however, removal from roadways of debris containing E. latilobum plants or seeds that has fallen by natural causes into the roadway is not a violation of the Act.

## **Summary of Factors Affecting the Species**

After a thorough review and consideration of all information available, the Service has determined that Castilleja affinis (Hook and Arn.) ssp. neglecta (Zeile) Chuang and Heck. (Tiburon paintbrush), *Ceanothus* ferrisae McMinn (coyote ceanothus), Cirsium fontinale Jeps. var. fontinale (fountain thistle), Clarkia franciscana Lewis and Raven (Presidio clarkia), Cordylanthus tenuis Gray ssp. capillaris (Penn.) Chuang and Heck. (Pennell's bird's-beak), Dudleya setchellii (Santa Clara Valley dudleya), Eriophyllum latilobum Rydb. (San Mateo woolly sunflower), Pentachaeta bellidiflora Greene (white-rayed pentachaeta), Streptanthus albidus Greene ssp. albidus (Metcalf Canyon jewelflower), and Streptanthus niger Greene (Tiburon jewelflower) should be classified as endangered species and that Calochortus tiburonensis Hill (Tiburon mariposa lily) and Hesperolinon congestum (A. Gray) Small (Marin dwarf-flax), should be classified as threatened species. Procedures found at section 4 of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to Calochortus tiburonensis Hill (Tiburon mariposa lily), Castilleja affinis (Hook and Arn.) ssp. neglecta (Zeile) Chuang and Heck. (Tiburon paintbrush), Ceanothus ferrisae McMinn (coyote ceanothus), Cirsium fontinale Jeps. var. fontinale (fountain thistle), Clarkia franciscana Lewis and Raven (Presidio clarkia), Cordylanthus tenuis Gray ssp. capillaris (Penn.) Chuang and Heck. (Pennell's bird's-beak), Dudleya setchellii (Santa Clara Valley dudleya), Eriophyllum latilobum Rydb. (San Mateo woolly sunflower), Hesperolinon congestum (A. Gray) Small (Marin dwarf-flax), Pentachaeta bellidiflora Greene (white-rayed pentachaeta), Streptanthus albidus Greene ssp.