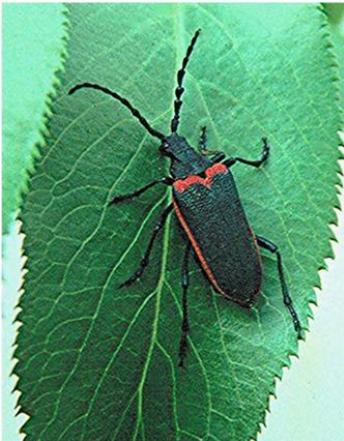




Proposed Delisting of Valley Elderberry Longhorn Beetle

Questions and Answers

Prepared by the Sacramento Fish and Wildlife Office



Background

At the time of listing in 1980 (45 FR 52803), the valley elderberry longhorn beetle (VELB) was known from less than 10 occurrence records (sightings) at three locations in Merced, Sacramento, Yolo, and Solano Counties. We determined that the loss of habitat through agricultural conversion, levee construction, and stream channelization had reduced the species to a few remnant populations.

Subsequent surveys extend the known range of the beetle to include portions of 26 locations of riparian vegetation and upland beetle habitat the Sacramento and San Joaquin

Valleys from Shasta County to Kern County. Many of the locations include sections of river and tributary systems that harbor isolated beetle occurrences, which correspond to the extent of remaining riparian vegetation and beetle habitat. Since listing, there are approximately 201 beetle occurrence records at these 26 locations that are compiled in the California Natural Diversity Database.

Protection and restoration of riparian vegetation have assisted in reducing threats to the beetle and its habitat. The loss of riparian vegetation has slowed somewhat in the Central Valley, although losses continue to occur in association with recent urban development, ongoing and proposed flood control measures (levee upgrades, bank protection) and floodway maintenance. Several programs now exist to restore and protect riparian vegetation.

Conservation efforts specific to the beetle have resulted in the protection of approximately 21,536 acres (ac) (8,715 hectares (ha)) of riparian vegetation, restoration of approximately 13,000 ac (5,261 ha) of riparian vegetation (predominantly on Federal and State lands), and restoration of approximately 12,400 ac (5,018 ha) of beetle habitat (specifically containing the host plant, elderberry).

While threats have not been completely ameliorated from any of the locations, current available information shows that the beetle is persisting in additional parts of its historical range, with areas of known occupancy somewhat more widespread than at

the time of listing. Additionally, the remaining threats to the VELB are not considered significant when taken within the context of the increased number of beetle occurrences known today as compared to the time of listing.

Q. What does this proposed rule mean?

A. The Service is proposing to remove the VELB from the Endangered Species List based on a recent review of the status of the VELB.

This proposed rule does not mean the VELB is removed the Endangered Species List. *At this time, the VELB remains a threatened species and is still protected under the Endangered Species Act.*

Q. Why is the Service proposing to delist the VELB?

A. The Service is considering delisting the VELB because, according to the best available scientific and commercial data indicates that the VELB has recovered and no longer meets the definition of threatened under the Endangered Species Act (ESA).

The range of VELB is now known to be greater than at the time of listing. It is known from 26 locations of riparian vegetation and upland beetle habitat (the component of riparian vegetation that contains the beetle's host plant, elderberry) within the Central Valley (which includes the Sacramento and San Joaquin Valleys) from Shasta County to Kern County.

Protection and restoration of riparian vegetation have assisted in reducing threats to the beetle and its habitat. The loss of riparian vegetation has slowed in the Central Valley, although losses continue to occur in association with recent urban development, ongoing and proposed flood control measures (levee upgrades, bank protection), and floodway maintenance.

Several programs now exist to restore and protect riparian vegetation. Conservation efforts specific to the beetle have resulted in the protection of approximately 21,536 acres of riparian vegetation, restoration of approximately 13,000 acres of riparian vegetation (predominantly on Federal and State lands), and restoration of approximately 12,400 acres of VELB habitat.

Q. Is there an example of a successful VELB habitat restoration project?

A. The largest effort to protect and restore VELB habitat, mainly through the planting of elderberry shrubs, is at the Sacramento River National Wildlife Refuge (NWR). The refuge was established in 1989, in part, to restore floodplain habitats and riparian vegetation including elderberries specifically for VELB recovery efforts. Since then, the Service and partners have planted more than 100,000 elderberries along the Sacramento River between Red Bluff and Princeton. Beetles have been found at most of the restored areas.

Q. What would happen if this rule was made final?

A. The VELB would be removed from the List of Endangered and Threatened Wildlife and critical habitat protections would be removed.

Q. What does delisting the VELB mean for other federal agencies?

A. Federal agencies will no longer need to consult with the Service to ensure any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of the VELB.

If delisted, the Service will continue to work with relevant federal land managers and VELB experts to ensure that the species continues to be monitored and protected.

Q. If the species is de-listed, will the Service continue to monitor its status to ensure it does not need to be protected in the future?

A. Yes. The ESA requires the Service implement a species monitoring system for at least five years after a species has been delisted. This is to verify that a delisted species remains secure from risk of extinction after it no longer has the protections of the Act. This is known as a Post Delisting Monitoring (PDM) plan. The Service will also seek the active participation of other entities that are expected to assume responsibilities for the species' conservation after delisting.

Q. What is involved in the PDM plan?

A. The PDM plan is designed to monitor threats by detecting changes in the status of the species through continued site monitoring and monitoring of quality and quantity of VELB and its habitat.

A PDM Plan is being designed to monitor the threats to the VELB and detect changes in its status and habitat throughout its known range. The PDM Plan objectives are to: (1) Identify thresholds that trigger an extension of monitoring, adaptive management changes at protected sites, or a status review; (2) continue monitoring known VELB locations and finding new locations; (3) refine the population and habitat baseline published at time of delisting against which subsequent increases or decreases in occurrences can be compared; (4) determine overall and rangewide trends over at least 10 years of monitoring, specifically including trends regarding persistence of the beetle within watersheds and protected areas; (5) conduct studies to determine the continued amount and effectiveness of restoration efforts after delisting; (6) develop an adaptive management strategy; and (7) create a science panel to address issues that arise throughout the PDM process.

Q. What happens if the species is formally delisted before an in-progress Section 7 consultation is completed?

A. The legal requirement to minimize adverse impacts on the species would be lifted for a consultation that is in progress.

Q. What happens to Habitat Conservation Plan (HCP) permit holders. Will they still have to fulfill their permit obligations?

A. The measures in an HCP for any of the covered species must be implemented regardless of their listing status. So anything in an HCP specifically for VELB would remain in effect even if it were delisted. Additionally, many of the mitigation lands provide conservation benefits for more than one covered species. This is due to the “no surprises assurances” built into the plans. In the agreements the Service assures the applicant it will not come back to them and ask for more mitigation in 10 years. In return the applicant is required to meet their obligations under the plan, regardless of ESA status changes.

Q. If the species is delisted, how does that affect previous permits issued?

A. It is important to recognize that, if a species is de-listed, the restoration work done in compliance with consultations and other permit actions under the ESA prior to the de-listing remain in place. De-listing does not relieve the applicant who received a permit from the Service of their obligation to continue those actions to which they committed in the permitting process.

Q. What happens in the interim? Will Federal action agencies and private landowners still have to comply with the ESA regarding this species between now and final action on delisting?

A: Until a species is formally delisted (i.e., the final rule is published with a delisting effective date) all the protections of the ESA remain in place. This means that actions by Federal agencies and private landowners that might adversely affect the species continue to require ESA compliance through either Section 7 consultations or the Section 10 Habitat Conservation Planning (HCP) process. Existing consultations, permitted HCPs, and agreements made on behalf of the species remain in effect.

Q. What are the ongoing threats to the VELB?

A. Conversion of agricultural lands to urban areas and direct urbanization of natural areas that include riparian vegetation continue to impact the VELB because elderberry is a minor component of the vegetation that grows (in some areas) along existing irrigation channels, on hedgerows, and on, and adjacent to, levees that provide flood control to this agriculture. Existing agriculture continues to affect VELB habitat through suppression of vegetation in, what are now, channelized tributaries and split channels that function for drainage and irrigation.

Ongoing and future maintenance of levees, channels, and other facilities for purposes of flood control and agriculture may result in future losses of riparian vegetation and

associated VELB habitat, or at least prevent establishment of additional beetle habitat on and immediately adjacent to levees or within channels that otherwise could benefit the beetle.

Q. What kind of information will be helpful in making a final determination?

A: The Service is looking for information specifically related to:

- (1) Location-specific information concerning the cause and extent of past, recent, and projected future losses of total riparian vegetation and elderberry shrubs within the 26 locations occupied by the beetle.
- (2) Location-specific information on the range, distribution, population size, or population trends of the VELB with particular emphasis on data collected since, or not included in, our 2006 5-year review.
- (3) Location-specific information on protections in each location with emphasis on discerning the geographic locations and extent of protected and unprotected areas.
- (4) Location-specific information regarding male specimen observation and subspecies identification, with particular interest in recently reported locations in the eastern portion of the range in foothill elevations.
- (5) Location-specific information on future anticipated level of threat of additional habitat loss, the source of such loss, and information on future reduction in threats of habitat loss, where appropriate.
- (6) Information, including geographic coordinates of the locations, about any additional populations of the VELB in other locations not considered in this proposed rule, or regarding the loss of previously existing populations.
- (7) Information on all other threats, such as from scientific study of the VELB, inferred from study of a similar species, or location-specific threats information.
- (8) New information and data on the projected and reasonably likely impacts to VELB associated with climate change.
- (9) Documentation of the effectiveness of current mitigation, habitat restoration, and other conservation measures.
- (10) Information on the spatial extent of occupation within locations at which the VELB has been observed in relation to habitat and threats within these areas.
- (11) Location-specific information on the present quantity of riparian vegetation, elderberry within riparian vegetation, and elderberry within the watershed or vicinity, but not associated with riparian vegetation.
- (12) Information regarding how best to conduct post-delisting monitoring, should the proposed delisting lead to a final delisting rule.

Q. What happens next?

A. The Service will compile public comments submitted during the comment period and will seek the expert opinions of at least three appropriate and independent specialists regarding the proposal to delist the VELB. After analyzing this additional information, the Service will make a decision whether or not to publish a final rule delisting the VELB.

