DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC39

26-94

Endangered and Threatened Wildlife and Plants; Emergency Rule to List the Pacific Pocket Mouse as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Emergency rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) exercises its emergency authority to determine the Pacific pocket mouse (*Perognathus longimembris pacificus*) to be an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). Prior to 1993, this species had not been observed in over 20 years. The Pacific pocket mouse was rediscovered on the Dana Point Headlands, Orange County, California, during July 1993. No more than 39 individuals are known to exist despite relatively intensive, recent surveys in all of the remaining, undisturbed locales where the species historically occurred.

The only known existing Pacific pocket mouse population is imminently threatened by a land development project and depredation by feral and/or domestic cats. Because of the need to make Federal funding, protection, and other measures immediately available to protect this species and its habitat, the Service finds that an emergency rule action is justified. This emergency rule provides Federal protection pursuant to the Act for this species for a period of 240 days. A proposed rule to list the Pacific pocket mouse as endangered is published concurrently with this emergency rule in this same **Federal Register** separate part.

DATES: This emergency rule is effective on January 31, 1994, and expires on September 28, 1994.

ADDRESSES: The complete file for this rule is available for inspection by appointment during normal business hours at the Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Gail Kobetich, Field Supervisor, Carlsbad Field Office, at the above address (telephone 619 431-9440; facsimile 619 431-9624).

SUPPLEMENTARY INFORMATION:

Background

The Pacific pocket mouse (*Perognathus longimembris pacificus*) is 1 of 19 recognized subspecies of the little pocket mouse (*Perognathus longimembris*) (Hall 1981), a species that is widely distributed throughout arid regions of the western United States and northwestern Mexico. It is the smallest member of the family Heteromyidae, which consists of spiny pocket mice (*Heteromys and Liomys*), pocket mice (*Perognathus and Chaetodipus*), kangaroo rats (*Dipodomys*), and kangaroo mice (*Microdipodops*). Virtually all members of this family are nocturnal, granivorous, and have external, deep, fur-lined cheek pouches (Ingles 1965; P. Brylski, consulting mammalogist, pers. comm., 1993).

The little pocket mouse is about 110 to 148 millimeters (mm) (4.3 to 6 inches (in)) long from nose to tip of tail. Its body pelage is spineless, bristle-free, and predominately brown, pinkish buff, or ochraceous buff above and light brown, pale tawny, buff, or whitish below. Two small patches of lighter hairs typically exist at the base of the ear. The tail can be either distinctly or indistinctly bicolored. The soles of the hind feet are hairy (Hall 1981).

The Pacific pocket mouse is the smallest subspecies of the little pocket mouse, ranging from about 110 to 126 mm (4.3 to 4.9 in) long from nose to tip of tail. The tail, hind foot, and skull lengths and the size of skull structures are also the smallest of all little pocket mouse subspecies.

The Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), which occurs mostly northeast of and more interior than the Pacific pocket mouse, is the only other subspecies of little pocket mouse in cismontane southern California, is 125 to 145 mm (4.9 to 5.7 in) in total length, and has a longer tail, hind foot, and skull than the Pacific pocket mouse. The nasal bones in the skull of the Los Angeles pocket mouse are also considerably larger than those of the Pacific pocket mouse (Huey 1939).

The Pacific pocket mouse was originally described by Mearns (1898) as a distinct species, *Perognathus pacificus*, based on the type specimen from San Diego County, California. von Bloeker (1931a,b) later recognized the Pacific pocket mouse as a distinct species, but subsequently concluded that the morphology of *P. pacificus* was not sufficiently distinct from *P. longimembris* to maintain the Pacific pocket mouse as a distinct species. von Bloeker reduced *P. pacificus* to *P. longimembris pacificus*. von Bloeker also described a second coastal subspecies, *P. longimembris cantwelli*, from El Segundo in Los Angeles County, California (von Bloeker 1932). After an analysis of 331 specimens of the little pocket mouse, Huey (1939) recognized *P. l. pacificus* to include the two subspecies described by von Bloeker (1932).

Although a taxonomic review of *P. longimembris* may be appropriate, Williams (*in litt.*, 1993) indicated that "the Pacific pocket mouse is distinct."

The Pacific pocket mouse occurs within about 3 kilometers (km) (2 miles (mi)) of the immediate coast of southern California from Marina del Rey and El Segundo in Los Angeles County south to the vicinity of the Mexican border in San Diego County (Hall 1981, Williams 1986, Erickson 1993) and below 180 meters (m) (600 feet (ft)) in elevation (Erickson 1993). Although the range map in Hall (1981) suggests that the range of the Pacific pocket mouse may extend into northwestern Baja California, Mexico, this subspecies has never been recorded outside of California (Erickson 1993).

The Pacific pocket mouse occurs on fine-grain, sandy substrates in the immediate vicinity of the Pacific Ocean (Mearns 1898, von Bloeker 1931a, Grinnell 1933, Bailey 1939). The Pacific pocket mouse inhabits coastal strand, coastal dunes, river alluvium, and coastal sage scrub growing on marine terraces (Grinnell 1933, Meserve 1972, Erickson 1993). Brylski (1993) detected the only known extant population on the Dana Point Headlands on loose sand substrates in a coastal sage scrub community dominated by California buckwheat (*Eriogonum fasiculatum*) and California sage (*Artemisia californica*).

The Pacific pocket mouse is likely facultatively or partially fossorial, relatively sedentary, and able to become torpid, estivate, or hibernate in response to adverse environmental conditions (Ingles 1965, Vaughan 1978, Zeiner *et al.* 1990).

While active above ground, little pocket mice have ranged up to 320 m (1,000 ft) from their burrows in a 24-hour period (Burt and Grossenheider 1976). Little pocket mouse home ranges vary in size from 0.12 to 0.56 hectares (0.30 to 1.4 acres), and populations range in density from 1 to 5.5 individuals per hectare (0.4 to 2.2 individuals per acre) (Chew and Butterworth 1964).

Pacific pocket mice primarily eat the seeds of grasses and forbs, but occasionally eat leafy material and soil-dwelling insects (von Bloeker 1931a; Meserve 1976a; Jameson and Peeters 1988; P. Brylski, pers. comm., 1993).

The little pocket mouse has a high metabolic rate (Bartholomew and Cade

1957), continually needs food supplies while active, and loses heat rapidly. It has limited capacity to store food. Little pocket mice may stay in their burrows continuously for up to 5 months in winter, alternating between periods of dormancy and feeding on stored seeds or hibernation in winter under adverse conditions (Bartholomew and Cade 1957, Ingles 1965, Kenagy 1973, Whitaker 1980).

Little pocket mice live up to 7.5 years in captivity and 3 to 5 years in the wild (Burt and Grossenheider 1976, Whitaker 1980). Pregnant and lactating females have been found from April through June, and immatures have been reported from June through September (Erickson 1993). Burt and Grossenheider (1976) previously reported that the little pocket mouse produces one or two litters (ranging in size from three to seven young) in a year.

The Pacific pocket mouse is historically known from eight populations. Approximately 80 percent of all Pacific pocket mouse records are from 1931 or 1932 (Erickson 1993). The following summarizes the historical distribution of the Pacific pocket mouse by county:

Los Angeles County. The Pacific pocket mouse historically was detected in three areas: Marina del Rey/El Segundo, Wilmington, and Clifton. No records of the Pacific pocket mouse exist in Los Angeles County since 1938 (P. Brylski, *in litt.*, 1993; D. Erickson, consulting biologist, *in litt.*, 1993; Erickson 1993).

Orange County. The Pacific pocket mouse has been found at two locales in Orange County: Dana Point and the San Joaquin Hills. The species was found on "Spyglass Hill" in the San Joaquin Hills from 1968 to 1971 (Erickson 1993). G.G. Cantwell previously collected 10 specimens at the Dana Point Headlands in 1932.

San Diego County. The Pacific pocket mouse has been detected at three general locales in San Diego County: the San Onofre area, Santa Margarita River Estuary, and the lower Tijuana River Valley. Another report of a single Pacific pocket mouse in suitable habitat from Lux Canyon, Encinitas, in June 1989 is now considered probable by the observer (Erickson 1993).

The only known extant population of the Pacific pocket mouse was rediscovered in July 1993 on the Dana Point Headlands in Orange County, California. Between 25 to 39 individual Pacific pocket mice were detected during trapping surveys conducted into August 1993 (Brylski 1993). This was the first time the Pacific pocket mouse had been collected at this site since 1971 (Erickson 1993). Numerous small-mammal survey and trapping efforts within its historical range (D. Erickson, *in litt.*, 1993; Erickson 1993) have failed to locate any additional populations. The remaining site is imminently threatened by a development that is expected to receive final approval in the very near future.

Previous Federal Action

The Pacific pocket mouse was designated by the Service as a category 2 candidate species for Federal listing as endangered or threatened in 1985 (50 FR 37966). It was retained in this category in subsequent notices of review published by the Service in the **Federal Register** in 1989 and 1991 (54 FR 554 and 56 FR 58804, respectively). Category 2 comprises taxa for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support proposed rules. The Service made the determination to list this species on the basis of new information received in 1993 that resulted in the elevation of the Pacific pocket mouse to category 1 status. Category 1 comprises taxa for which the Service has on file sufficient information to support proposals for endangered or threatened status.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Pacific pocket mouse should be classified as an endangered species. Procedures found at section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Pacific pocket mouse (*Perognathus longimembris pacificus*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Although originally known from eight locales, the Pacific pocket mouse now occurs in one site on the Dana Point Headlands of Dana Point in Orange County. Although the Dana Point Headlands have remained relatively unchanged since the Pacific pocket mouse was first detected at this locale, a land development project has been approved by the Planning Commission, with final approval anticipated in early 1994. This proposed residential and hotel complex project would result in the removal of 3.65 acres of the 3.75 acres of habitat that Brylski (1993) identified as being occupied by Pacific pocket mice (EDAW 1993b). Grading that would destroy the only known Pacific pocket mouse population may proceed upon final approval of the proposed project. This site is also threatened by fuel modification for fire protection.

In Los Angeles County, two of the three historic locales for the Pacific pocket mouse (Clifton and Wilmington) have been developed, and the third (Marina del Rey/El Segundo) has been substantially altered since the species was last detected there. Recent surveys have been unsuccessful in relocating the species in the vicinity of Marina del Rey or El Segundo. The Hyperion area, which formerly contained relatively large expanses of coastal strand and wetland habitats, has been extensively developed.

In Orange County, the development of the Spyglass Hill area began in 1972. This development resulted in the destruction of the formerly occupied habitat at that site.

Although portions of the San Onofre area and the Santa Margarita River mouth in San Diego County remain relatively undisturbed, recent survey and small mammal trapping efforts at these locations failed to detect the presence of the Pacific pocket mouse (P. Brylski, pers. comm., 1993; R. Erickson, *in litt.*, 1993; Erickson 1993; R. Zembal, U.S. Fish and Wildlife Service, pers. comm., 1993). During the 1930s, Camp Pendleton Marine Corps Base did not exist and the city of Oceanside was immediately adjacent to the Santa Margarita River estuary. Much of the southern half of the Santa Margarita River estuary was destroyed in the early 1940s during the establishment of Camp Pendleton Marine Corps Base and the related construction of a boat basin and harbor facilities. In addition, the Oceanside area has been extensively developed since the Pacific pocket mouse was last recorded there in 1931, and little, if any, suitable habitat remains at that location.

Although the lower Tijuana River Valley evidently supported a relatively large population of the Pacific pocket mouse in the early 1930s, this area has been substantially altered and currently provides little, if any, suitable habitat. Recent trapping efforts have failed to detect the Pacific pocket mouse at this location (Taylor and Tiszler 1991; R.T. Miller, pers. comm. to Erickson, 1993).

Another potential site for the Pacific pocket mouse is Lux Canyon in Encinitas, San Diego County, where an unverified sighting occurred in 1989. However, the majority of Lux Canyon has already been converted to urban development and agriculture. The remaining habitat in Lux Canyon is highly fragmented and subject to additional urban development (F. Roberts, U.S. Fish and Wildlife Service, pers. comm., 1993).

Opportunities to find additional populations of the Pacific pocket mouse are limited. Less than 400 hectares (1,000 acres) of about 28,000 hectares (70,000 acres) (1 percent) encompassing the range of the Pacific pocket mouse in Los Angeles County are undeveloped (U.S. Fish and Wildlife Service, unpublished data, 1993). About 17,600 hectares (44,000 acres) of approximately 21,600 hectares (54,000 acres) (81 percent) encompassing the range of the Pacific pocket mouse in Orange County has been converted to urban uses (U.S. Fish and Wildlife Service, unpublished data, 1993). Land use patterns in coastal San Diego County are similar. Oberbauer and Vanderwier (1991) reported that 72 percent of coastal sage scrub, 94 percent of native grasslands, 88 percent of coastal mixed chaparral, 88 percent of coastal salt marsh, 100 percent of coastal strand, and 92 percent of maritime sage scrub habitats in San Diego County had been converted to urban and agricultural uses by 1988.

An additional 16 hectares (41 acres) of suitable habitat for the Pacific pocket mouse occurs on the Dana Point Headlands. However, 13 hectares (32 acres) of this habitat would be eliminated by the same project that threatens the only known occupied habitat (EDAW 1993b). Additional potential habitat occurs on Pelican Hill in the San Joaquin Hills and along the coastal bluffs in Crystal Cove State Park. Over 50 percent of the Pelican Hill site was graded in March 1993 with the remainder approved for development (F. Roberts, pers. comm., 1993).

Within the remaining undeveloped range of the Pacific pocket mouse, areas that contain suitable habitat for the species represent less than 10 percent of the remaining habitat. This is exemplified by the situation in Orange County, where identified suitable habitat for the Pacific pocket mouse is restricted to less than 60 hectares (150 acres) (F. Roberts, pers. comm., 1993).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not known to be applicable.

C. *Disease or predation.* Disease is not known to be a factor affecting this species at this time.

The proliferation of non-native populations of the red fox (*Vulpes vulpes*) in coastal southern California is well documented (Lewis *et al.* 1993). Erickson (1993) has speculated that the red fox "may have hastened the demise of the Pacific pocket mouse in the El Segundo area," where the species apparently was well-represented historically.

Feral and domestic cats are known to be predators of native rodents (Hubbs 1951, George 1974). Pearson (1964) concluded that the removal of 4,200 mice from a 14 hectare (35 acre) test plot was accomplished largely by 6 cats over an 8-month period. Feral and/or domestic cats are threatening the only known population of the Pacific pocket mouse. A resident living immediately adjacent to the only known population has reported that domestic cats had recently and repeatedly brought home a number of "tiny gray mice" (P. Brylski, *in litt.*, 1993). Of all rodent captures at Dana Point Headlands reported by Brylski (1993), 81 percent were Pacific pocket mice.

D. *The inadequacy of existing regulatory mechanisms.* Existing regulatory mechanisms that may provide some protection for the Pacific pocket mouse include: (1) The Federal Endangered Species Act (Act) in those cases where the pocket mouse occurs in habitat occupied by a listed species; (2) the California Natural Community Conservation Planning Program; (3) the California Environmental Quality Act; (4) land acquisition and management by Federal, State, or local agencies or by private groups and organizations; and (5) local laws and regulations.

The Pacific pocket mouse is currently classified as a candidate for Federal listing under the Act and as a Species of Special Concern "Of Highest Priority" by the California Department of Fish and Game (Department). However, Federal candidate species and Department Species of Special Concern have no local status and are afforded no protection under the Federal or California Endangered Species Acts.

The only known population of the Pacific pocket mouse is found in conjunction with a population of coastal California gnatcatchers on the Dana Point Headlands (Brylski 1993; EDAW 1993a,b). The coastal California gnatcatcher's status as a threatened species gives it protection under the Act. However, the legal authority to protect the gnatcatcher does not extend to candidate species.

Under provisions under section 10(a) of the Act, the Service may permit the incidental "take" of the gnatcatcher during the course of an otherwise legal activity as long as the likelihood of that species' survival and recovery in the wild is not precluded. If the Service authorized take of the gnatcatcher at the Dana Point Headlands pursuant to section 10(a), the permitted activities could result in the extinction of the Pacific pocket mouse.

In 1991, the State of California established the Natural Communities Conservation Planning Program to address the conservation needs of natural ecosystems throughout the State. The initial focus of that program is the coastal sage scrub community occupied, in part, by the Pacific pocket mouse. At the present time, no plans have been completed or implemented, and no protection is currently proposed to prevent or reduce impacts to 3.65 of the 3.75 acres of occupied habitat on the Dana Point Headlands that are proposed for development.

In many cases, land-use planning decisions are made on the basis of environmental review documents prepared in accordance with the California Environmental Quality Act (CEQA) or the National Environmental Policy Act. These Acts have not adequately protected Pacific pocket mouse habitat.

A relocation program proposed to mitigate impacts to the Pacific pocket mouse on the Dana Point Headlands (EDAW 1993b) has not been fully defined or developed and must be considered highly experimental. As part of this proposed mitigation program, "the Pacific pocket mouse will be relocated to suitable on-site or off-site locations that are or will be preserved as suitable habitat" (EDAW 1993b). EDAW (1993b) has concluded that the "implementation of this mitigation will not reduce impacts to this species to a level of insignificance." The program proposed in the Dana Point Headlands to control domestic cat predation is also inadequate.

E. *Other natural or man-made factors affecting its continued existence.* This species is highly susceptible to extinction as a result of stochastic environmental or demographic causes because the remaining animals are found in one location.

The Service has determined that listing as endangered is appropriate because the remaining location is imminently threatened by urban development.

Reasons for Emergency Determination

Under section 4(b)(7) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) and 50 CFR 424.20, the Secretary may determine a species to be endangered or threatened by an

emergency rule that shall cease 240 days following publication in the **Federal Register**. The reasons why this rule is necessary are discussed below. If at any time after this rule has been published the Secretary determines that substantial evidence does not exist to warrant such a rule, it shall be withdrawn.

Of the eight known sites historically occupied by the species, all but two have been developed or significantly altered through human activities. Suitable habitat remains in the Marina del Rey/El Segundo portion of Los Angeles County; however, efforts to find the animal in this area have not been successful. One other site at San Onofre in San Diego County still retains suitable habitat. However, the Pacific pocket mouse was never common at this site, and recent surveys have not located any individuals.

The only remaining population (containing no more than 39 animals) of the Pacific pocket mouse occurs on the Dana Point Headlands of Dana Point, California. As discussed under factors A, C, and D in the Summary of Factors Affecting the Species section above, an emergency posing a significant risk to the well-being and continued survival of the Pacific pocket mouse exists as the result of the imminent, proposed destruction of 3.65 of the 3.75 acres of occupied habitat (Brylski 1993; EDAW 1993a,b). The Pacific pocket mouse is also imminently threatened at this location by feral and/or domestic cat depredation.

For these reasons, the Service finds that the Pacific pocket mouse is in imminent danger of extinction throughout all or a significant portion of its range and warrants immediate protection under the Act.

Critical Habitat

Critical habitat, as defined by section 3(5)(A) of the Act, means: (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.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. The Service's regulations (50 CFR 424.12(a)(1)) state that a 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 such threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

The Service finds that designation of critical habitat is not prudent at this time for the Pacific pocket mouse. The only known population of this species is found on private lands where Federal jurisdiction or involvement in land-use activities is not expected. Therefore, the designation of critical habitat within the existing range of the Pacific pocket mouse would not appreciably benefit the species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. 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, cooperation with the States, and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities 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) of the Act requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The Service does not expect to receive requests for consultation from other Federal agencies with respect to this species because no Federal involvement is expected for activities occurring within habitat currently occupied by the Pacific pocket mouse.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt any such conduct), import or export, transport in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

Requests for copies of the regulations on listed wildlife and inquiries regarding same should be addressed to the U.S. Fish and Wildlife Service, Endangered Species Permits, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181 (telephone 503/231–6241; facsimile 503/231–6243).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 48244).

References Cited

A complete list of references cited herein is available upon request from the U.S. Fish and Wildlife Service, Carlsbad Field Office (see **ADDRESSES** section).

Author

The primary authors of this emergency rule are Loren R. Hays and Fred M. Roberts, Jr., U.S. Fish and Wildlife Service, Carlsbad Field Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, effective from January 31, 1994 until September 28, 1994, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by adding the following in alphabetical order under "MAMMALS," to the List of Endangered and Threatened Wildlife, to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals							
*	*	*	*	*	*		
Mouse, Pacific pocket.	*Perognathus longimembris pacificus.*	U.S.A. (CA)	Entire	E	526	NA	NA
*	*	*	*	*	*		

Dated: January 28, 1994.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 94–2463 Filed 1–31–94; 3:57 pm]

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