

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

26-94

RIN 1018-AC39

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

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to make the provisions of the emergency rule listing the Pacific pocket mouse (*Perognathus longimembris pacificus*) as an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act), permanent. Although a minimum of 8 populations of the Pacific pocket mouse encompassing 29 sites from Los Angeles County south to San Diego County formerly occurred, the only known extant population occurs on the Dana Point Headlands in Orange County, California. Depredation by feral and/or domestic cats and a proposed development threaten the continued existence of the remaining population. Additional data and information, which may assist the Service in making a final decision on this proposed action, is solicited on the status of this species.

DATES: Comments from all interested parties must be received by April 4, 1994. The Service intends to hold a public hearing on this proposal and will soon announce the date, time, and location in the **Federal Register**.

ADDRESSES: Comments and materials concerning this proposal should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials received will be available for public inspection by appointment during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Gail Kobetich, Field Supervisor, Carlsbad

Field Office, at the address listed above (telephone 619/431-9440).

SUPPLEMENTARY INFORMATION:

Background

For a thorough discussion of biological information, previous Federal action, a summary of the factors affecting the species, the reasons why critical habitat is not being proposed, and conservation measures available to listed and proposed species, consult the emergency rule on the Pacific pocket mouse published in this same **Federal Register** separate part.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Any final decision on this proposal will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act requires that a public hearing be held if requested within 45 days of the date of publication of a proposed rule. As indicated under the **DATES** section of

this proposed rule, the Service intends to hold a public hearing on this proposal and will soon announce the date, time, and location in the **Federal Register**.

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 49244).

Author

The primary author of this proposed rule is Loren R. Hays of the 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.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, 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 revising the entry for "Mouse, Pacific pocket" under "MAMMALS," in 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	<i>Perognathus longimembris pacificus</i> .	U.S.A. (CA)	Entire	E	526, ____	NA	NA

Dated: January 28, 1994.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

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