

government on behalf of another unit of government pursuant to a cost reimbursement agreement, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.

\* \* \* \* \*

6. Section 830.5 is proposed to be amended by revising the introductory text to read as follows:

**§ 830.5 Immediate notification.**

The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board) field office<sup>1</sup> when:

\* \* \* \* \*

7. Section 830.15 is proposed to be amended by revising paragraph (a) to read as follows:

**§ 830.15 Reports and statements to be filed.**

(a) Reports. The operator of a civil, public (as specified in § 830.5), or foreign aircraft shall file a report on Board Form 6120.1/2 (OMB No. 3147-0001)<sup>2</sup> within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which immediate notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

\* \* \* \* \*

**Subpart E [Removed]**

8. Subpart E of part 830 is proposed to be removed.

**PART 831—ACCIDENT/INCIDENT INVESTIGATION PROCEDURES**

9. The authority citation for part 831 is proposed to be revised to read as follows:

**Authority:** Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 *et seq.*), and the

<sup>1</sup> The Board field offices are listed under U.S. Government in the telephone directories of the following cities: Anchorage, AK, Atlanta, GA, West Chicago, IL, Denver, CO, Arlington, TX, Gardena (Los Angeles), CA, Miami, FL, Parsippany, NJ (metropolitan New York, NY), Seattle, WA, and Washington, DC.

<sup>2</sup> Forms are available from the Board field offices (see footnote 1), from Board headquarters in Washington, DC, and from the Federal Aviation Administration Flight Standards District Offices.

Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101 *et seq.*).

10. Section 831.2 is proposed to be amended by revising paragraph (a)(1) to read as follows:

**§ 831.2 Responsibility of Board.**

(a) Aviation. (1) The Board is responsible for the organization, conduct and control of all accident investigations within the United States, its territories and possessions, where the accident involves civil aircraft and certain public aircraft (as specified in § 830.5 of this chapter), including an accident investigation involving civil or public aircraft on the one hand and an Armed Forces or intelligence agency aircraft on the other hand. It is also responsible for investigating accidents that occur outside the United States, and which involve civil aircraft and certain public aircraft, when the accident is not in the territory of another state (*i.e.*, in international waters).

\* \* \* \* \*

11. Section 831.9 is proposed to be amended to revise paragraph (b) to read as follows:

**§ 831.9 Authority of Board Representatives.**

\* \* \* \* \*

(b) *Aviation.* Any employee of the Board, upon presenting appropriate credentials, is authorized to examine and test to the extent necessary any civil or public aircraft, aircraft engine, propeller, appliance, or property aboard such aircraft involved in an accident in air commerce.

\* \* \* \* \*

Issued in Washington, D.C. on this 8th day of March, 1995.

**Jim Hall,**

*Chairman.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants: 90-Day Finding for a Petition to List the Preble's Meadow Jumping Mouse as Threatened or Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a 90-day

finding for a petition to list the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) under the Endangered Species Act of 1973, as amended. The Service finds that there is substantial information to indicate that listing the species may be warranted.

**DATES:** The finding announced in this document was approved on February 27, 1994. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by May 15, 1995.

**ADDRESSES:** Information, questions, or comments concerning this petition finding may be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 730 Simms Street, Room 290, Golden, Colorado 80401. The petition, finding, supporting data, and comments are available for public inspection by appointment during normal business hours at the above office.

**FOR FURTHER INFORMATION CONTACT:** LeRoy W. Carlson (see **ADDRESSES**) (303/231-5280).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and a notice regarding the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service also is required to commence a review of the status of the involved species if one has not already been initiated by the Service. The Service initiated a status review for Preble's meadow jumping mouse (*Zapus hudsonius preblei*) when it categorized the species as a category 2 candidate species in the 1985 Animal Notice of Review (50 FR 37958). This notice meets the requirement for the 90-day finding made earlier on the petition as discussed below.

A petition dated August 9, 1994, was received by the Service from the Biodiversity Legal Foundation on August 16, 1994. The petition requests the Service to list Preble's meadow jumping mouse as endangered or threatened throughout its range and to designate critical habitat within a

reasonable amount of time following the listing.

The petitioner submitted information that Preble's meadow jumping mouse populations in Colorado and Wyoming are imperiled by ongoing and increasing urban, industrial, agricultural, ranching, and recreational development; wetland and riparian habitat destruction and/or conversion; and inadequacy or lack of governmental protection for the subspecies and its habitats.

The Preble's meadow jumping mouse is a small rodent in the family Zapodidae. The coloration and the skull characteristics of the Preble's meadow jumping mouse were described by Krutzsch (1954).

Krutzsch (1954), Quimby (1951), and Armstrong (1972) concur that this species dwells mostly in low undergrowth consisting of grasses, forbs, or both; in open wet meadows and riparian corridors near forests (coniferous and deciduous hardwoods); or where tall shrubs and low trees provide adequate cover. It prefers lowlands with medium to high moisture over dry uplands. However, current research at Rocky Flats (M. Bakeman and F. Harrington, pers. comm. 1994) indicates that the dryer upland habitats are preferred to construct their winter hibernaculums whereas moist lowlands are utilized during the spring and summer months when the Preble's meadow jumping mouse is most active and reproducing.

Local mammalogists believe that the Preble's meadow jumping mouse has never been common, but the apparent extirpation of this species from previously occupied habitats in Wyoming and Colorado and the difficulties finding it in apparently adequate habitats may be indicative of a precipitous decline in populations of the Preble's meadow jumping mouse (D. Armstrong, University of Colorado, pers. comm. 1992) throughout its range. Current information indicates that Preble's meadow jumping mouse is restricted to only two known populations in Colorado and apparently none in Wyoming. It is unclear if two other populations in Colorado still exist. Known populations in Colorado are located at the Department of Energy's Rock Flats Plant in northern Jefferson County and adjacent City of Boulder Open Space land in southern Boulder County. A specimen tentatively identified as a Preble's meadow jumping mouse was captured in 1994 at the Air Force Academy in El Paso County (C. Pague, Colorado Natural Heritage Program, pers. comm. 1994).

### Listing Factors

The following are the five listing criteria as set forth in section 4(a)(1) of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act and their applicability to the current status of Preble's meadow jumping mouse.

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The main cause for Preble's meadow jumping mouse's decline is directly or indirectly linked to habitat alteration. The habitat alteration includes widespread destruction and/or modification of wet meadows and riparian corridors and indirect hydrological impacts by anthropogenic structures, including—biking/hiking trails; riprap and other bank stabilization structures and activities; road and bridge construction; urban, industrial, commercial, agricultural, and ranching development; and sand and gravel mining operations. Gravel mining operations continue to expand as housing and road construction activities increase, and these mines are located within wetlands, wet meadows, and riparian habitats.

The Front Range region in Colorado has changed from a predominantly prairie habitat intermixed with wet meadows and intermittent streams and gulches to a more agricultural and urban setting with its associated housing, recreational, commercial, and industrial development. These developments have brought about profound changes in the hydrology of the streams along the Front Range. With urbanization has come the expansion of park areas and forestation. With park and open space development has come the expansion of hiking and biking trails along and crossing riparian habitats that have caused further fragmentation of this mouse's habitats.

Grazing has been identified by some researchers as one of the leading causes for its decline (F. Harrington, pers. comm. 1994), but there is little scientific information to adequately show a relationship between moderate grazing and population declines of this mouse. Reservoir impoundments could also impact this mouse by inundating individuals and/or its habitats.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Preble's meadow jumping mouse has no known commercial or recreational value. Scientific and educational collecting was not widespread over the past century. Overutilization apparently did not contribute to population declines of this mouse population.

### C. Disease or predation.

Knowledgeable mammalogists (D. Armstrong, pers. comm. 1994; F. Harrington, pers. comm. 1994) do not believe that an epizootic disease caused the demise of the subspecies. Competition from nonnative rodents (i.e., the Norway rat, *Rattus norvegicus*; and house mouse, *Mus musculus*) and predation by domestic pets (dogs and cats) might also be reasons for this mouse's disappearance. Both of these nonnative rodents have been recently trapped during small mammal surveys from relatively undisturbed riparian habitats.

D. *The inadequacy of existing regulatory mechanisms.* Since 1990, the Colorado Division of Wildlife (Division) has classified Preble's meadow jumping mouse as a "nongame" subspecies and a "species of special concern". This designation protects the species by denying permits for the take of the species (J. Sheppard, Colorado Division of Wildlife, pers. comm. 1994). In 1992, the Wyoming Game and Fish Department (Department) classified the species *Zapus hudsonius* as a nongame species under the Wyoming Game and Fish Commission Chapter LII. This designation protects the species from take and requires a special permit for the purposes of scientific collection. However, this designation does not protect the species from incidental taking or from actions that may harm the species in order to protect public health. Furthermore, protection by both States is limited to the mouse, itself, and measures to protect the habitat are not included.

E. *Other natural or manmade factors affecting its continued existence.* The introduction of nonnative grasses associated with the recent urbanization of Colorado's Front Range may also have contributed to the demise of Preble's jumping mouse by the replacement of indigenous grasses which this species is dependent upon. These introduced grasses have less nutritional food value (F. Harrington, pers. comm. 1994).

The use of pesticides and herbicides have increased with the urbanization and agricultural development of the Front Range. These chemicals could be contaminating this mouse's food sources and could cause direct poisoning of the species, itself.

### Finding

The Service has reviewed the petition and accompanying documentation on the status of Preble's jumping mouse and information concerning potential threats to the species. On the basis of the best scientific and commercial information available, the Service

concludes that substantial information exists to indicate that the requested action may be warranted. The Service believes that habitat destruction and modification are the main cause for the species decline.

The petitioner requested that the critical habitat also be designated. If the 12-month finding determines that the petitioned action to list Preble's jumping mouse is warranted, then the Act requires that designation of critical habitat be addressed in a subsequent proposed rule.

The Service's 90-day finding contains more detailed information regarding the above decisions. A copy can be obtained from the Service's Colorado Field Office (see ADDRESSES above).

#### References Cited

- Armstrong, D.M. 1972. Distribution of mammals in Colorado. University of Kansas, Museum of Natural History Monograph 3:1-415.
- Krutzsch, P.H. 1954. North American jumping mice (genus *Zapus*). Univ. Kansas Publ., Mus. Natural History 7:349-472.
- Quimby, D.C. 1951. The life history and ecology of the jumping mouse, *Zapus hudsonius*. Ecological Monographs 21:61-95.
- Whitaker, J.O. 1972. *Zapus hudsonius*. Mammalian Species 11:1-7.

#### Author

The primary author of this document is José Bernardo Garza (See ADDRESSES section).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

#### List of Subjects in 50 CFR Part 17

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

Dated: February 27, 1995.

#### Mollie H. Beattie,

Director, Fish and Wildlife Service.

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