FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–96, adopted March 12, 1997, and released March 21, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–7440 Filed 3–24–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE06

Proposal To List the Preble's Meadow Jumping Mouse as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) as an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. The Preble's meadow jumping mouse, a small rodent in the family Zapodidae, is known to occur in only four counties in Colorado and two counties in Wyoming. Historical surveys document its former presence in five additional counties in Colorado and three additional counties in Wyoming. The Preble's meadow jumping mouse lives primarily in heavily vegetated riparian habitats. Habitat loss and degradation caused by agricultural, residential, commercial, and industrial development imperil its continued existence. This proposal, if made final, would extend protection of the Act to the Preble's meadow jumping mouse.

DATES: Comments from all interested parties must be received by May 27, 1997. Public hearing requests must be received by May 9, 1997.

ADDRESSES: Comments or materials concerning this proposed rule may be sent to the Colorado Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service's Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: LeRoy W. Carlson, Field Supervisor, Colorado Field Office (see **ADDRESSES** section), (telephone 303/275–2370).

SUPPLEMENTARY INFORMATION:

Background

The Preble's meadow jumping mouse (*Zapus hudsonius preblei*) is a small rodent in the family Zapodidae and is one of 11 subspecies of the species *Z. hudsonius*, the meadow jumping mouse (Krutzsch 1954, Whitaker 1972). The family consists of small to medium-sized mice with long tails and long feet adapted for jumping. Krutzsch (1954) reviewed taxonomy and distribution of the genus *Zapus* in North America and recognized three living species, *Z. hudsonius*, *Z. trinotatus*, and *Z. princeps*. Fitzgerald et al. (1994) described *Z. hudsonius* as greyish to yellowish-brown in color with an indistinct mid-dorsal band of darker hair and paler sides, large hindlegs and hindfeet, and a sparsely haired tail that accounts for more than 60 percent of the total length.

The Preble's meadow jumping mouse (Preble's) was first discovered and described from Loveland, Larimer County, Colorado, by A.E. Preble in 1895 (Preble 1899, cited by Krutzsch 1954). All records are from southeastern Wyoming and eastern Colorado. The coloration of Preble's was described by Krutzsch (1954) as ''color dull, back from near Clay Color to near Tawny-Olive with a mixture of black hair forming poorly defined dorsal band; sides lighter than back from near Clay Color to near Cinnamon-Buff; lateral line distinct and clear Ochraceous-Buff; belly white, sometimes faint wash of clear Ochraceous-Buff; tail bicolored, brownish to light brownish-black above, grayish-white to yellowish-white below'' (capitalized color terms refer to a scientific standard, while lower case terms reflect common usage). Krutzsch (1954) also provided a technical description of the skull of Preble's, which can prove critical to its identification.

A source of confusion is the similarity of appearance between the Preble's meadow jumping mouse and *Z. p. princeps*, a subspecies of the western jumping mouse that also occurs in portions of Colorado and Wyoming. In general, *Z. hudsonius* may be distinguished from *Z. princeps* by average external size and cranial size (Krutzsch 1954, Whitaker 1972). Preble's may be distinguished from *Z. p.* princeps by a less pronounced mid-dorsal band, smaller average total length, and a skull that is small and light with a narrower braincase and smaller molars (Fitzgerald et al. 1994). Since coloration of the mid-dorsal band and total length are not definitive characteristics, skull measurements are most useful for positive identification (Aaron Ellingson, Colorado Natural Heritage Program, *in litt. 1995). Ranges of the Preble's meadow jumping mouse and Z. p. princeps* are not thought to overlap in Colorado but may overlap in Wyoming (Armstrong 1972).

Krutzsch (1954) commented on the presence of physical habitat barriers and lack of known intergradation between the Preble's meadow jumping mouse, known only from eastern Colorado and southeastern Wyoming, and other identified subspecies of *Z. hudsonius* ranging to the east and north. Among recognized subspecies, Krutzsch found that Preble's most closely resembled *Z. h. campestris* from northeastern Wyoming, but summarized differences in coloration and skull characteristics. Krutzsch concluded that considerable differences existed between Preble's and related subspecies. Hafner et al. (1981) described an additional subspecies *Z. h. luteus* present in New Mexico and Arizona and differentiated it from Preble's. This subspecies was not addressed by Krutzsch since it was previously considered *Z. p. luteus*, a subspecies of the western jumping mouse.

Results from limited genetic analysis of *Z. hudsonius* from Minnesota and Indiana, presumed Preble's meadow jumping mouse from the Department of Energy's Rocky Flats Environmental Technology Site (Rocky Flats) in Jefferson County, Colorado, and *Z. princeps* from Colorado, provided clear evidence that the Rocky Flats mice were of the species *Z. hudsonius*. However, the analysis did not provide a means of separating subspecies of *Z. hudsonius* (Bruce Wunder, Colorado State University, pers. comm. 1996). Under a cost-sharing agreement with the U.S. Fish and Wildlife Service (Service), the Colorado Division of Wildlife supported genetic studies of Preble's trapped in Colorado during the 1996 field season. Tissue samples from Preble's trapped in Colorado are being assessed, through mitochondrial DNA analysis, and will be compared to available reference samples from *Z. hudsonius* from other areas. While mitochondrial DNA analysis is an accepted technique for establishing taxonomic relationships, it is uncertain whether these studies will produce conclusive results regarding the genetic differences between Preble's and other recognized subspecies of *Z. hudsonius*. Results of these studies will be available in 1997.

Under section 15.3 of the Act, the term ''species'' is defined to include recognized subspecies. Therefore, throughout the remainder of this document, Preble's meadow jumping mouse (*Z. h. preblei*) is treated, in the context of the Act, as a ''species.''

Though the Preble's meadow jumping mouse has not been studied as intensively as *Z. hudsonius* has been studied elsewhere, it is believed to be similar to other subspecies of *Z. hudsonius* in patterns of diet, behavior, breeding and habitat utilization. In general, *Z. hudsonius* subsists on seeds, small fruits, fungi, and insects, and hibernates from October to May (Fitzgerald et al. 1994, Whitaker 1972). It is adapted for digging, creates nests of grasses, leaves, and woody material several centimeters below the ground, and is primarily nocturnal or crepuscular, but can be observed during daylight. During the breeding season (June to mid-August), females typically have two to three litters (Fitzgerald et al. 1994).

Krutzsch (1954), Quimby (1951), and Armstrong (1972) agree that across its range, *Z. hudsonius* occurs mostly in low undergrowth consisting of grasses, forbs, or both, in open wet meadows and riparian corridors, or where tall shrubs and low trees provide adequate cover. In addition, *Z. hudsonius* prefers lowlands with medium to high moisture over drier uplands. Whitaker (1972) concluded that *Z. hudsonius* avoids the sparse vegetation that is generally associated with low moisture habitats. Fitzgerald et al. (1994) described *Z. hudsonius* as most common in lush vegetation along watercourses or in herbaceous understories in wooded areas. Some authors (Tester et al. 1993) have suggested that proximity to water may be the most important factor influencing habitat selection and utilization by *Z. hudsonius*.

Recent research on the Preble's meadow jumping mouse has focused mostly on current status; however, some aspects of life history, behavior, and habitat utilization have been documented. In general, results of recent investigations have not been documented in peer-reviewed scientific literature. Data have been gathered by researchers at Rocky Flats on the timing of the initial breeding period and time of hibernation (PTI Environmental Services 1996). The month of May marks the beginning of the active period for Preble's, with May 5 the earliest capture date at Rocky Flats. Breeding probably occurs soon after emergence. Adults begin hibernation in early September, while juveniles enter hibernation from mid-September to late October.

At Rocky Flats, the Preble's meadow jumping mouse appears to be primarily dependent on riparian corridors along creeks that are dominated by the shrubs *Salix exigua* (coyote willow) or *Amorpha fruticosa* (leadplant), and are in proximity to mesic grasslands dominated by *Andropyron smithii* (western wheatgrass) and *Poa pratensis* (Kentucky bluegrass) (Bakeman, Deans and Ryon, EG&G, *in litt.* 1995). Field studies at Rocky Flats led to the conclusion that Preble's is typically found in or near complex riparian communities with multi-strata woodland and herbaceous species (Harrington et al. 1996). Capture locations were typically humid with high litter content. In a spring 1996 study at Rocky Flats, all captures were within 25 meters (m) (82 feet (ft)) of streams, with 48 percent of captures within 5 m (16 ft) of streams (PTI Environmental Services 1996). In the same study, 90 percent of captures occurred within 5 m (16 ft) of canopy edge consisting of *Salix exigua*, *Symphoricarpos occidentalis* (western snowberry), *Prunus americana*. (choke cherry), and other species. Margins of artificial ponds at Rocky Flats are thought to be important foraging sites (Harrington et al. 1996).

Most successful capture sites at Rocky Flats presented burrowing or nesting opportunities. Five nests were located in dense vegetation (Harrington et al. 1995). Litter is used to construct nests, which are occupied during the Preble's meadow jumping mouse's active season. Based on a single underground hibernaculum, located through use of telemetry, upland habitats may be preferred for hibernation by Preble's (Fred Harrington, Pawnee Natural History Society, pers. comm. 1995).

Ryon (1995) reported that four of five recent Preble's meadow jumping mouse capture sites he evaluated in Colorado had five structural habitat components: trees, tall shrubs, short shrubs, herbaceous vegetation, and ground cover. The fifth site had few trees. In contrast, historic capture sites where Ryon failed to capture Preble's generally lacked one or more of these components. Harrington (1995) captured Preble's in riparian shrubland dominated by *Salix exigua* along East Plum Creek, Douglas County, Colorado. Preble's was captured along Monument Creek within the U.S. Air Force Academy lands in Colorado Springs, El Paso County, Colorado, primarily in densely vegetated riparian communities where *Salix* spp., *Symphoricarpos occidentalis*, *Populus angustifolia*. (narrow-leaf cottonwood), and thick grass understory were dominant (Corn et al. 1995). Garber (1995) characterized capture sites along Lodgepole Creek, Albany County, Wyoming as moist areas near beaver ponds with dense sedges and *Salix* sp. Ryon (1995) suggested that where Preble's occupies habitat along intermittent streams, adjacent wet meadows and seeps may be important habitats in dry periods.

Based on recent survey data, Preble's are most frequently encountered along riparian corridors of small intermittent and perennial streams, where low *Salix* sp. and other dense shrubs are found with lush ground cover (grasses, forbs, etc.). Recent captures that were exceptions to the above described habitat, include individuals found along a small irrigation ditch and in a mesic grassy field on City of Boulder Open Space land (Clint Miller, City of Boulder, *in litt.* 1996).

Preble's meadow jumping mouse may never have been widespread in historical times. Armstrong (1972) described it as poorly known in Colorado and apparently nowhere abundant. The historical range of Preble's may represent a relic of a much larger range, occupied when the climate was cooler and damper (Fitzgerald et al. 1994). Nevertheless, the apparent extirpation of Preble's from historically occupied sites in Colorado and Wyoming, and the difficulties in finding

it in apparently adequate habitat suggests a decline in populations of the Preble's throughout its range. The Colorado Natural Heritage Program (*in litt.* 1996) ranks Preble's as T2, imperiled globally, and S2, imperiled in the State of Colorado.

Records for Preble's meadow jumping mouse define a historical range including Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld counties in Colorado; and Albany, Laramie, Platte, Goshen, and Converse counties in Wyoming (Krutzsch 1954, Compton and Hugie 1993, Carron Meaney, Denver Museum of Natural History, pers. comm., 1996). Historical sites in Colorado were further discussed by Meaney and Clippenger (1995) and Ryon (1995). Based on distribution of apparently suitable habitat, the actual range may have extended further north, south, and east. Garber (1995) discussed historical sites from Wyoming and suggested that some historical Preble's study skins from Wyoming may have been misidentified. He indicated that without the skulls, positive identification was not possible.

As one would expect, given the intensity of recent surveys for Preble's meadow jumping mouse, many more individuals have been trapped in the last 5 years than were historically documented in all previous years combined. Preble's meadow jumping mouse is known to exist in four counties in Colorado and two in Wyoming, but it is not known to be present in five other counties in Colorado and three counties in Wyoming where previously documented.

Colorado

A number of historical and recent records of Preble's meadow jumping mouse exist for Boulder County; however, relatively few individuals have been documented in recent surveys. A summary of past records and a report of 1995 survey results was provided by Armstrong et al. (1996). Compton and Hugie (1993) reported a single Preble's capture, on the Van Vleet site near South Boulder Creek, resulting from a 1992 Service-funded study of four City of Boulder Open Space sites. One Preble's was found dead on the Van Vleet site in 1993 (Armstrong et al. 1996). A single Preble's was captured on City of Boulder Open Space land at Dowdy Draw (a tributary to South Boulder Creek) during 1994 surveys. In 1995, extensive surveys were conducted, through a challenge grant cost-share agreement with the Service, to determine the presence of Preble's on City of Boulder and Boulder County Open Space lands supporting suitable habitat. Of 13 sites surveyed, Preble's were captured from the Van Vleet site (14 individuals) and the Gebhard site (9 individuals), both along South Boulder Creek (Armstrong et al. 1996). The capture of 23 Preble's in 17,800 trapnights (one trap set for one night equals one trapnight) of effort in suspected habitat lead to the conclusion that Preble's is not abundant in the Colorado Piedmont of Boulder County. In 1996, one Preble's was captured on the Van Vleet site and two on the Burke 1 site (also City of Boulder Open Space), along South Boulder Creek, during an extensive study of grassland biodiversity entailing 6,600 trapnights of effort (Clint Miller, *in litt.* 1996). Meany and Clippenger (*in litt.* 1996) reported capturing seven or eight Preble's at a Boulder County Open Space site on St. Vrain Creek in 1996, the only captures of five Boulder County sites they surveyed.

At Rocky Flats, Jefferson County, annual studies have taken place since the discovery of the Preble's meadow jumping mouse there in 1991 (Harrington et al. 1996). Currently, known populations are located in all four major drainages within the Rocky Flats buffer zone (Tom Ryon, PTI Environmental Services, pers. comm. 1996). During the 1995 field season, 61 Preble's meadow jumping mice were trapped at Rocky Flats bringing the total number of individual mice trapped since 1991 to 161 (Fred Harrington, pers. comm. 1995). Estimated density of Preble's in areas trapped during 1995 studies ranged up to 36 per hectare 9 (ha) (15 per acre (ac)). In 1996, two Preble's were captured on Jefferson County Open Space land near the mouth of Coal Creek Canyon west of Rocky Flats (Chris Pague, Colorado Natural Heritage Program, pers. comm. 1996). This is the only recent report of Preble's in Jefferson County outside of Rocky Flats.

In 1995, seven Preble's meadow jumping mice were captured from a site on East Plum Creek, near Larkspur, Douglas County, by Harrington (Harrington 1995). Also in 1995, the Colorado Natural Heritage Program located Preble's at two sites, one on East Plum Creek and one on West Plum Creek (Carron Meaney, pers. comm. 1996). Surveys in 1996 by Meaney and Clippenger (*in litt.* 1996) located Preble's at an additional site on West Plum Creek south of Sedalia and at a site on Indian Creek (a tributary to Plum Creek) south of Louviers. Three Douglas County sites are on private land, with the fourth, Indian Creek, on Colorado Division of Wildlife property.

In 1994, the Colorado Natural Heritage Program discovered the Preble's meadow jumping mouse on Air Force Academy lands along Monument Creek, El Paso County, while performing small mammal surveys. In comprehensive 1995 studies, an estimated 67 individual Preble's were captured (Corn et al. 1995). Using varying assumptions regarding trapping results and habitat available, total population estimates for Air Force Academy lands of 308 and 449 Preble's were generated. These correspond to density estimates in occupied habitat of 2.00 per hectare (0.81 per ac) and 2.92 per ha (1.18 per ac). Twenty Preble's were captured in 1996 on private land along Smith Creek, east of the Air Force Academy (Meaney and Clippenger, *in litt.* 1996). Based on recent survey results, Air Force Academy lands and nearby private lands may support the largest existing population of Preble's.

Wyoming

Preble's meadow jumping mice were not located at five sites within their historical range during 1993 surveys funded by the Service (Compton and Hugie 1994). Tony Elliott of the Wyoming Cooperative Research Unit successfully captured two Preble's meadow jumping mice on F.E. Warren Air Force Base, Laramie County, in the 1995 field season (Garber 1995). Garber conducted Preble's surveys at four Wyoming sites during the 1995 field season. He was unable to locate any Preble's on F.E. Warren Air Force Base, but did find Preble's at two locations in the Lodgepole Creek drainage within the Medicine Bow National Forest in Albany County. The Colorado Natural Heritage Program surveyed for Preble's at Warren Air Force Base in 1996 and captured 8 individuals in 2,200 trapnights of effort (Chris Pague, pers. comm. 1996).

Previous Federal Action

The Service included the Preble's meadow jumping mouse as a (category 2) candidate species in the 1985 Animal Notice of Review (50 FR 37958) and retained that status in subsequent notice of review, published in the **Federal Register** on January 6, 1989 (54 FR 554), November 21, 1991 (56 FR 58810), and November 15, 1994 (59 FR 58982). The Service has since discontinued the practice of maintaining a list of category 2 species and the Preble's meadow jumping mouse did not appear in the February 28, 1996 (61 FR 7596), notice of review. Category 2 species were those species for which information in the Service's possession indicated that listing was possibly appropriate, but for

which substantive data on biological vulnerability and threats were not available to support a proposed rule.

On August 16, 1994, the Service received a petition from the Biodiversity Legal Foundation to list all known populations of the 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; ongoing and increasing wetland/riparian habitat destruction and/or modification; small size of known populations; and inadequacy or lack of governmental protection for the species and its habitats.

On February 27, 1995, the 90-day finding was approved. On March 15, 1995 (60 FR 13950–13952), the Service published notice of the 90-day finding that the petition presented substantial information indicating that listing the Preble's meadow jumping mouse may be warranted, and requested comments and biological data on the status of the mouse.

Section 4(b)(3)(A) of the Act, as amended, requires the Secretary of the Interior to reach a final decision on any petition accepted for review within 12 months of the receipt of the petition. This proposal constitutes the final finding on the petitioned action.

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be a threatened or endangered species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The best indication of range curtailment and current status is the lack of captures at historical sites and other sites with suitable habitat within its historical range. Since 1992, efforts to document existing populations of Preble's meadow jumping mouse have increased commensurate with rising concern over its status. Presence of Preble's in Colorado has been documented in four counties—along South Boulder Creek and St. Vrain Creek (Boulder County); within drainages at Rocky Flats and along Coal Creek (Jefferson County); along East Plum Creek and West Plum Creek (Douglas County); and, along Monument Creek within the Air Force Academy and along Smith Creek (El Paso County). In Wyoming, Preble's has been recently documented in two counties, along Crow Creek at F.E. Warren Air Force Base (Laramie County) and in the Lodgepole Creek drainage, within the Medicine Bow National Forest (Albany County). Documented populations at the Air Force Academy and Rocky Flats are by far the largest known populations. Known Wyoming populations are separated from the closest known Colorado population by over 80 kilometers (km) (50 miles (mi)). Preble's is not known to be present in five counties in Colorado and three counties in Wyoming where previously documented.

Researchers are concerned with the lack of captures of Preble's at historical sites and other sites with suitable habitat within its historical range and believe that habitat loss and fragmentation resulting from human land uses have adversely impacted Preble's populations, and continues to do so. Ryon (1995) evaluated the current status of historical Preble's meadow jumping mouse capture sites in Colorado, addressing both the mouse's presence and current habitat conditions. No Preble's were captured when Ryon trapped six historical sites in five counties. Ryon found the lack of captures ''disturbing'' and related absence of Preble's to changes in habitat. He concluded that the range of Preble's has decreased, especially adjacent to or east of the Interstate Highway 25 urban corridor.

Meaney and Clippinger (1995) reviewed aerial photographs of 9 Colorado counties and, based on habitat and other factors, selected 16 priority sites to survey for Preble's. Of these, seven sites in five counties were surveyed in 1995, with priority given to counties representing the boundaries of suspected Preble's range. No Preble's were captured at these seven sites despite 6,750 trapnights of effort.

Extensive studies of public lands in Boulder County in 1995 documented Preble's on only 2 of 13 sites surveyed (Armstrong et al. 1996). Sites were selected based on documented historical presence and perceived quality of habitat. One conclusion of the study was that suitable habitat appeared to be present on some sites where trapping was unsuccessful.

Compton and Hugie (1993) found it difficult to assess historical trends and current status of Preble's due to the scarcity of demographic data. They recommended that Preble's be federally listed as a threatened species. However, after a largely unsuccessful search for suitable habitat in Wyoming and unsuccessful trapping surveys for Preble's at five sites in southeastern Wyoming in 1993, they concluded that Preble's might be extirpated from Wyoming (Compton and Hugie 1994). Their revised recommendation was that Preble's be federally listed as an endangered species. Garber (1995) documented Preble's persisting at only two Wyoming sites, commented on the difficulty of capturing Preble's on these sites, and concluded that substantial additional work was needed to determine the status of Preble's in Wyoming.

Recent surveys for Preble's meadow jumping mouse at a number of additional locations in Colorado have been unsuccessful in documenting presence. Surveys funded and carried out by the Department of the Army at the Army's Fort Carson Military Reservation in El Paso and Pueblo counties, resulted in no Preble's captures despite 3,311 trapnights of effort in apparently suitable habitat (Bunn et al. 1995). Private researchers and U.S. Department of Agriculture's Forest Service (Forest Service) personnel found no Preble's in limited surveys of seemingly adequate habitats within the Forest Service's Pawnee National Grassland in northern Weld County (Fred Harrington, pers. comm. 1995).

Dozens of site surveys for Preble's meadow jumping mouse have been conducted by environmental consultants in recent years at locations of anticipated development. Beane (Ron Beane, MDG Inc., pers. comm. 1996) reported conducting Preble's trapping surveys at 11 sites in 1996 with no captures. Aside from Harrington's (1995) work on East Plum Creek, none of these site-specific predevelopment surveys have resulted in Preble's captures.

Decline of the Preble's meadow jumping mouse is linked to widespread habitat alteration. Ryon (1995) commented that recent capture sites he observed were on large, historically undisturbed lands supporting native plant communities. Compton and Hugie (1993, 1994) cite human activities that have adversely impacted Preble's including: conversion of grasslands to farms; livestock grazing; water development and management practices; and, residential and

commercial development. They mention the ''urban sprawl'' occurring from Colorado Springs, Colorado, to Cheyenne, Wyoming, as a continuing threat to remaining populations.

Some researchers hypothesize that warm season livestock grazing may be an important cause of the decline of the Preble's meadow jumping mouse. Compton and Hugie (1994) stated that in southeastern Wyoming almost all private land of appropriate topography and hydrology to support Preble's habitat was heavily grazed by livestock and that grazing probably was the most significant factor in reducing habitat for Preble's. Ryon (1995) cited livestock grazing as a contributor to lack of structural habitat diversity he observed on historical Preble's sites in Colorado. The two largest known populations of Preble's exist on Federal properties (Rocky Flats and the Air Force Academy) where livestock grazing is excluded.

The importance of ''late season obesity'' (the buildup of fat reserves) in jumping mice and its positive correlation to hibernation survival, post-hibernation development, and successful reproduction has been well documented (Nichols and Conley 1982, Muchlinski 1980, Falk and Millar 1987, Brown 1970). Preble's entering hibernation with low fat reserves would be less likely to survive the winter or to successfully breed the following spring. Late season grazing of Preble's habitat, as well as mowing or burning, could adversely affect Preble's by reducing the availability of food resources essential for buildup of fat reserves.

City of Boulder Open Space lands endured intensive grazing, farming, or haying regimes until they became part of the City of Boulder Open Space system. Grazing and haying continue on sites supporting Preble's, largely as land management tools. Impacts of current management practices to Preble's and their habitats are unknown. Given the relatively low numbers of Preble's found during recent surveys of City of Boulder Open Space sites, continuation of any land management practices detrimental to Preble's and their habitat may contribute to extirpation from these sites.

Human development has produced profound changes in the hydrology of streams flowing east from the Colorado Front Range. Water development and management in its various forms can alter Preble's meadow jumping mouse habitat, usually with adverse impacts. Fitzgerald et al. (1994) stated that inundation of riparian areas to create reservoirs had deceased available Preble's habitat. Compton and Hugie (1993) concluded that management of water for commercial and residential use tends to channelize and isolate water resources, and has reduced in size and fragmented riparian habitats used by Preble's. They found development of irrigated farmland had a negative impact on Preble's habitat, and that any habitat creation it produced was minimal.

Water diversions and associated land use changes can impact Preble's habitat directly, as well as through hydrologic alterations to Preble's habitat located downstream. Corn et al. (1995) expressed concerns regarding the hydrologic integrity of Monument Creek and its tributaries upstream of the Air Force Academy. Flood control, through the placement of riprap and other structural stabilization options, is currently being considered on areas of the Smith Creek floodplain that support Preble's.

While Rocky Flats supports one of the two largest known populations of Preble's meadow jumping mouse and has served as a refuge for Preble's, the future conservation of Preble's at this site is uncertain due to possible impacts to occupied habitat. A specific threat is potential disruption of the current hydrology by mining operations. Alluvial aggregate extraction, often in or near riparian habitats, continues to expand as development intensifies along the Colorado Front Range. At Rocky Flats, there are proposals to expand existing commercial sand and gravel extraction and processing activities in the Rock Creek drainage both outside and within the boundary of Rocky Flats. The Department of Energy does not control mineral rights on the land in question. Proposed mining operations are consistent with Jefferson County zoning. Results of ongoing hydrological studies will be used by Jefferson County in site plan review.

Without careful planning Preble's meadow jumping mouse habitats could be impacted by the Department of Energy's planned bioremediation (the detoxification of toxic substances using biological agents) and hazardous contaminant cleanup, associated water management practices designed to contain hazardous materials spills and prevent their migration offsite, and dam safety and maintenance activities.

The Colorado Piedmont east of the Front Range and adjacent areas of southeastern Wyoming have changed from predominantly prairie habitat intermixed with perennial and intermittent streams and associated riparian habitats, to a more agricultural and urban setting with grazing, residential, commercial, industrial, and recreational development. The Colorado Front Range urban corridor represents only about 4 percent of the State's land area but supports 80 percent of its population (Wright 1993). Unfortunately, the area of development corresponds almost directly to known Preble's meadow jumping mouse range. Fueled by human population increases (another 1 million people estimated by 2020), development in this area continues at an unprecedented rate. The results are destruction, modification, and encroachment upon Preble's habitat and, with ever increasing real estate pressure, an increase in the vulnerability of the species to vandalism or intentional destruction of its habitat.

Residential and commercial development, accompanied by highway and bridge construction, and instream alterations to implement flood control, directly removes Preble's meadow jumping mouse habitat, or reduces, alters, fragments, and isolates habitat to the point where Preble's can no longer persist. At some historical capture sites, habitat appears intact, but isolation has probably rendered the sites unsuitable for Preble's (Ryon 1995). Bailey (1926) observed that jumping mice avoid roads and runways. Roads, trails, or other linear development through Preble's habitat may act as barriers to movement. Corn et al. (1995) proposed that a 100 m (328 ft) buffer of unaltered habitat be established to protect the floodplain of Monument Creek from a range of human activities that might adversely Affect Preble's or its habitat.

Development and heavy use of trails within occupied Preble's habitats may impact the species by destroying its habitat, nests, and food resources, or by disrupting behavior. Recreational trail systems have been established or are proposed along may riparian corridors within Preble's range. Heavily used recreational trails currently exist on City of Boulder Open Space lands, including sites that support Preble's. Based on information received by the Service's Colorado Field Office, a new paved trail is currently proposed by the City of Boulder within the Burke 1 and Gephard sites along South Boulder Creek.

Habitat alteration may in turn encourage invasion of weeds. While little is known regarding impact of invasive, nonnative vegetation on Preble's, Ryon (1995) expressed concern and Garber (1995) stated that this may represent one of the most serious problems facing the mouse. Corn et al. (1995) discussed both the problem of invasive weeds and the potential problem of weed control programs impacting Preble's habitat.

Patterns of capture suggest that populations may fluctuate over time at occupied sites, raising questions regarding status of documented populations. This report is based on the best scientific data currently available. In that context, Preble's appears to have undergone a significant decline in range. As the summary above demonstrates, a large number of known and potential threats to its continued existence have been documented.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The Preble's meadow jumping mouse has no known commercial or recreational value. Scientific and educational collecting has not been widespread over the past century. Overutilization is not currently thought to contribute to decline in the mouse's populations.

C. *Disease or predation.* The Preble's meadow jumping mouse, as well as other native rodents, carries parasites and diseases that may reduce vigor, curtail reproductive success, and cause death. There is no evidence that epizootic disease has caused significant impact to Preble's. While plague is regularly found in other rodent species within Preble's range, its impact to Preble's populations is not known.

Predation on the Preble's meadow jumping mouse has always existed as a naturally occurring association between predator and prey. While evidence is scant, human development may have altered this relationship. Armstrong et al. (1996) recommended studies be conducted on influences of the suburban environment and associated densities of species such as striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and the domestic cat (*Felis catus*) on Preble's. Free-ranging domestic cats may locally present a problem to Preble's. Corn et al. (1995) recommended a 1.5 km (.9 mi) setback of housing development from Preble's habitat to exclude predation by ''house cats.'' As an alternative they suggested a strict prohibition on cats. More information is needed about the effects from predation by domestic and feral cats, and perhaps dogs (*Canis familiaris*), on Preble's.

D. *The inadequacy of existing regulatory mechanisms.* The decline of the Preble's meadow jumping mouse is partially due to the inherent weakness of the existing laws and regulations that could serve to protect Preble's and their habitat. Relevant Federal laws include the Clean Water Act, Endangered Species Act, Federal Power Act, Fish and Wildlife Coordination Act, Food Security Act, and National Environmental Policy Act. Federal regulations and policies have limited protection authority and scope since Preble's is not a federally proposed or listed species. These statutes only recommend, not require, that projects carried out, funded, or permitted by the Federal government attempt to mitigate impacts to species of special concern.

Colorado Division of Wildlife Regulations (Chapter 10, Article IV) classify *Z. hudsonius* the as a ''nongame'' species. This designation means that permits must be obtained for take of Preble's meadow jumping mouse related to scientific, educational, or rehabilitation purposes. Preble's is a ''species of special concern'' in Colorado; however, this is not a statutory designation. In Wyoming, the Wyoming Game and Fish Department has classified *Z. hudsonius* as a nongame species protected under Wyoming Game and Fish Department Nongame Wildlife Regulations promulgated by WF23–1–103 and 23–1–302. This designation protects Preble's from takings and sales by only issuing permits for the purpose of scientific collection. While the above regulations limit the taking of Preble's, they provide no measures to protect the habitats critical to the survival of the species. State listing encourages State agencies to allocate funds and exercise authority to achieve recovery, stimulate research, and allow redirection of priorities within State natural resource departments. However, without additional measures to protect habitat, such State laws are generally inadequate. There are no known regional or local laws, regulations, or ordinances that specifically protect Preble's or its habitat from inadvertent or intentional adverse impacts.

E. *Other natural or manmade factors affecting its continued existence.* Use of pesticides and herbicides has undoubtably increased across known Preble's range as human land use has intensified. These chemicals could directly poison Preble's or they may be ingested through contaminated food or water. Specific impacts to Preble's from pesticides and herbicides are not currently known. Intensive human development creates a range of additional environmental impacts (including but not limited to noise, and the degradation of air and water quality) that could alter Preble's behavior, increase the levels of stress, and ultimately contribute to loss of vigor or death of individuals, and extirpation of populations.

In summary, the Preble's meadow jumping mouse has seriously declined from historic levels to a point where only four counties in Colorado and two in Wyoming are known to support Preble's populations. Based on numbers of Preble's, extent of suitable habitat, and land ownership, Rocky Flats and the Air Force Academy appear to be the sites with the greatest potential for maintaining Preble's. Riparian habitats required to support Preble's have been severely modified or destroyed by human development in many areas east of the Colorado Front Range and in southeastern Wyoming. With current human population increases, the loss and modification of riparian habitat continues unabated. Existing regulations have proven to be inadequate to protect Preble's, as witnessed by its documented decline and the continued destruction and modification of its habitats.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Preble's meadow jumping mouse as an endangered species. The Service has determined that the Preble's meadow jumping mouse is in danger of extinction throughout all or a significant portion of its range and therefore meets the requirements to be listed as endangered. On September 5, 1995, the Preble's meadow jumping mouse was determined by the Service to have a listing priority of three. This priority emphasizes the need of this species to be protected under the Act.

Following publication of the proposed rule in the **Federal Register**, peer review by appropriate experts will occur. Responses from the peer review process will be incorporated into any final rule for listing Preble's meadow jumping mouse. Critical habitat is not being proposed for the reasons stated below.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) the specific areas within the geographical area occupied by the 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. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at

which listing under the Act is no longer necessary.

The Service finds that critical habitat is not prudent for Preble's meadow jumping mouse. Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that 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 threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

Listing of the Preble's meadow jumping mouse as an endangered species publicizes the present vulnerability of this species and, thus, can be reasonably expected to increase the threat of vandalism or intentional destruction of the species habitat. In light of the vulnerability of this species to vandalism or the intentional destruction of its habitat, publication of maps providing its precise locations within increasingly developing urban areas and descriptions of critical habitat, as required for the designation of critical habitat, would reasonably be expected to increase the degree of threat to the species, increase the difficulties of enforcement, and further contribute to the decline of Preble's meadow jumping mouse.

Preble's meadow jumping mouse would not benefit from the designation of critical habitat. The Service determines that any potential benefits beyond those afforded by listing, when weighted against the negative impacts of disclosing site-specific location, does not yield an overall benefit and is therefore not prudent.

Protection of the habitat of the species will be addressed through the Act's recovery process and section 7 consultation process. Four of the remaining populations are located on Federal lands administered by the Department of Defense, the Department of Energy and the U.S. Forest Service. These Federal agencies are aware of the species' occurrence at these sites and the requirement to consult with the Service to ensure that any actions Federally authorized, funded or carried out do not jeopardize the continued existence of an endangered or threatened species. Therefore, the Service finds that designation of critical habitat for this species is not prudent, for such designation would reasonably increase the degree of threat from vandalism or intentional destruction of habitat and would provide no additional benefit to the species.

The Service will continue in its efforts to obtain more information on the Preble's meadow jumping mouse biology and ecology, including essential habitat characteristics, current and historic distribution, and existing and potential sites that can contribute to conservation of the species. The information resulting from this effort will be used to identify measures needed to achieve conservation of the species, as defined under the Act. Such measures could include, but are not limited to, development of conservation agreements with the State, other Federal agencies, local governments, and private landowners and organizations.

Available Conservation Measures

Conservation measures provided to a species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation actions by Federal, State, and local agencies, private organizations, 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 taking and harm are discussed, in part, below.

Section 7(a) of the Act 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) requires Federal agencies to confer 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 listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or 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 Preble's meadow jumping mouse occurs on lands administered by the Air Force, Department of Energy, U.S. Forest Service, Colorado Division of Wildlife, Boulder County, Jefferson County, City of Boulder, and on private lands. For Federal lands where Preble's meadow jumping mice occur, the Act would require the appropriate land management agency to evaluate potential impacts to Preble's meadow jumping mice that may result from activities they authorize or permit. The Act requires consultation under section 7 of the Act for activities on Federal, State, county, or private lands, including tribal lands, that may impact the survival and recovery of Preble's, if such activities are funded, authorized, carried out, or permitted by Federal agencies. The Federal agencies that may be involved as a result of this proposed rule include the Service, Department of Energy, Forest Service, U.S. Army Corps of Engineers, Natural Resources Conservation Service, Bureau of Land Management, Agricultural Stabilization and Conservation Service, Bureau of Reclamation, Department of the Army, Department of the Air Force, Office of Surface Mining, Western Area Power Administration, Rural Electrification Administration, Federal Energy Regulatory Commission, Department of Housing and Urban Development, Federal Highway Commission, and Environmental Protection Agency. Federally listing the Preble's meadow jumping mouse will require these agencies to consider potential impacts to Preble's prior to approval of any activity authorized or permitted by them (e.g., Clean Water Act's section 404 permits, grazing management, military maneuvers, bioremediation and hazardous materials cleanup, mining permitting and expansion, highway construction, etc.).

Federal agency actions that may require conference and/or consultation as described in the preceding paragraph include—removing, thinning or altering vegetation; implementing livestock grazing management that alters vegetation during warm seasons; construction of roads or hiking/biking trails along or through riparian areas; channelization and other alteration of perennial and intermittent streams and their hydrological regimes for flood control and other water management purposes; permanent and temporary damming of streams to create water storage reservoirs or deviate the stream's course; human activities in or near Preble's meadow jumping mouse habitats; construction of residential, commercial, and industrial

developments, including roads, bridges, public utilities and telephone lines, pipelines, and other structures; bioremediation and hazardous materials management, containment, and cleanup efforts such as those at Rocky Flats; and, sand and gravel and other types of mining activities within or upstream of Preble's meadow jumping mouse habitats.

The Act and implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions codified at 50 CFR 17.21, 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, or collect; or attempt any of these), import or export, ship in interstate 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 conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife 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 incidental take in connection with otherwise lawful activities.

Requests for copies of the regulations regarding listed wildlife and inquiries about prohibitions and permits may be addressed to U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (telephone 303/236–8155, Facsimile 303/236–8192).

The Service adopted a policy on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is proposed for listing those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of the listing on proposed and ongoing activities within a species' range. The Service believes that, based upon the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

(1) Activities authorized, funded, or carried out by Federal agencies (e.g., grazing management, agricultural conversions, wetland and riparian habitat modification, flood and erosion control, mineral and housing development, recreational trail development, road and dam construction, hazardous material containment and cleanup activities, prescribed burns, pest control activities, pipelines or utility lines crossing riparian/wet meadow habitats, logging, military maneuvers and training) when such activity is conducted in accordance with any incidental take statement prepared by the Service in accordance with section 7 of the Act;

(2) Activities such as grazing management, flood and erosion control, agricultural conversions, wetland and riparian habitat modification, mineral and housing development, road and dam construction, recreational trail development, hazardous material containment and cleanup activities, prescribed burns, pest control activities, pipelines or utility lines crossing riparian/wet meadow habitats, logging, military maneuvers and training when such activity does not occur in habitats suitable for the survival and recovery of the Preble's meadow jumping mouse, do not alter downstream hydrology or riparian habitat supporting Preble's, and do not result in actual death or injury to the species by significantly modifying essential behavioral patterns;

(3) Within the hibernating period and outside denning areas, controlled burns and mowing, or other activities that alter the Preble's meadow jumping mouse food sources. The period when mowing and burning activities would not impact the Preble's meadow jumping mouse nourishment may vary at specific locations, but would usually fall between October 15 and April 15 of every year;

(4) Human activities undertaken on foot or horseback at breeding, feeding, and hibernating sites that are non-invasive to the Preble's meadow jumping mouse (e.g., waterfowl hunting, bird watching, sightseeing, photography, camping, hiking); and,

(5) Application of pesticides in areas that do not drain into Preble's meadow jumping mouse habitats.

Activities that the Service believes could potentially result in a violation of section 9 include but are not limited to:

(1) Unauthorized or unpermitted collecting, handling, harassing, or taking of the species;

(2) Activities that directly or indirectly result in the actual death or injury death of Preble's meadow jumping mice, or that modify the known habitat of the species by significantly modifying essential behavioral patterns (e.g., plowing; conversion of wet meadow or riparian habitats to residential, commercial, industrial, recreational areas, or cropland; overgrazing; road and trail construction; water development or impoundment; mineral extraction or processing; off-highway vehicle use; and, hazardous material cleanup or bioremediation).

Questions regarding whether specific activities, such as changes in land use, will constitute a violation of section 9 should be directed to the Colorado Field Office (see **ADDRESSES** section).

The prohibition against intentional and unintentional ''take'' of listed species applies to all landowners regardless of whether or not their lands are within critical habitat (see 16 U.S.C. 1538(a)(1), 1532(1a) and 50 CFR 17.3). Section 10(a)(1)(B) authorizes the Service to issue permits for the taking of listed species incidental to otherwise lawful activities such as agriculture, surface mining, and urban development. Take permits authorized under section 10 must be supported by a habitat conservation plan (HCP) that identifies conservation measures that the permittee agrees to implement to conserve the species. A key element of the Service's review of an HCP is a determination of the plan's effect upon the long-term conservation of the species. The Service would approve an HCP, and issue a section 10(a)(1)(B) permit if the plan would minimize and mitigate the impacts of the taking and would not appreciably reduce the likelihood of the survival and recovery of that species in the wild.

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 reason 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;

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

(5) Information regarding Preble's meadow jumping mouse ecology and

habitat requirements and preferences (e.g., preferential use, daily routines, night activities, site fidelity);

(6) Biological or physical elements that best describe Preble's habitat, that could be considered critical for the conservation of the species (e.g., colonies, hibernation, vegetation, food, topography);

(7) Possible alternative recreational, grazing, or farming practices that will reduce or eliminate the take of Preble's or their habitats (e.g., moderate grazing regimes); and,

(8) Other management strategies that will conserve the species throughout its range.

Final promulgation of the regulations on this species 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 Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and addressed to the Colorado Field Supervisor, see **ADDRESSES** section.

National Environmental Policy Act

The Service has determined that Environmental Assessments and Environmental Impact Statements, 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 Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866.

References Cited

A complete list of all references cited is available upon request from the Colorado Field Office (see **ADDRESSES** above).

Author

The primary author of this document is Peter Plage of the Colorado 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. It is proposed to 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, Preble's meadow jumping.	*Zapus hudsonius preblei.*	U.S.A. (CO, WY)	do	E		NA	NA
*	*	*	*	*	*	*	

Dated: March 7, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 97–7428 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–55–P

50 CFR Part 17

RIN 1018–AA98

Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Reports and Other Data Pertaining to the Listing of the Bruneau Hot Springsnail

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on reports and other data pertaining to the listing of the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) is reopened for an additional 75 days. A notice of availability that opened the original public comment period was published on September 12, 1995 (60 FR 47339). The Service extended the comment period until December 15, 1995, in a notice published on November 13, 1995 (60 FR 56976). The Service reopened the comment period in a notice published on January 23, 1997 (62 FR 3493). Because of requests from the High Desert Coalition, Inc., Bruneau Valley Coalition, and Quey Johns, the Service hereby reopens the comment period and solicits new information and public comment on all information and data received since the listing of the species in 1993.

DATES: The comment period is reopened until June 9, 1997. Any comments and materials received by the closing date will be considered in the final determination.

ADDRESSES: Comments and materials concerning the reports and other information pertaining to the listing of the Bruneau hot springsnail should be submitted to the U.S. Fish and Wildlife Service, Snake River Basin Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709. Reports and other data cited in this notice, and public comments and other materials received will be available for public inspection during normal business hours at the above address.