Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Satellite Beach and Channel 253A.

Federal Communications Commission.

John A. Karousos,

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

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE59

Endangered and Threatened Wildlife and Plants; Emergency Rule To List the San Bernardino Kangaroo Rat 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 San Bernardino kangaroo rat (*Dipodomys merriami parvus*) to be an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). This subspecies occurs primarily in alluvial scrub habitats with appropriate vegetative cover and substrate composition. The historic range of the San Bernardino kangaroo rat has been reduced by approximately 96 percent due to agricultural and urban development. All of the remaining populations of the San Bernardino kangaroo rat are threatened by habitat loss, degradation, and fragmentation due to sand and gravel mining operations, flood control projects, urban development, and vandalism. In addition, the three largest remaining populations of the San Bernardino kangaroo rat are threatened by habitat loss resulting from a change in the natural stream flow regime including seasonal flooding and associated modification of plant succession patterns. The threat of vandalism to large portions of the remaining habitat may be imminent. Threats have been made indicating that habitat would be destroyed if the Service attempted to list the San Bernardino kangaroo rat. Because of the need to make protective measures afforded by the Act immediately available to this subspecies 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 subspecies for a period of 240 days. A proposed rule to list the San Bernardino kangaroo rat, requesting data and comment from the public, is being published concurrently in this same **Federal Register** issue under the proposed rule section.

DATES: This emergency rule is effective on January 27, 1998, and expires on September 24, 1998.

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

FOR FURTHER INFORMATION CONTACT: Field Supervisor, at the above address (telephone 760/431–9440).

SUPPLEMENTARY INFORMATION:

Background

The San Bernardino kangaroo rat (*Dipodomys merriami parvus*) is one of 19 recognized subspecies of Merriam's kangaroo rat (*D. merriami*), a widespread species distributed throughout arid regions of the western United States and northwestern Mexico (Hall 1981, Williams *et al.* 1993). In coastal southern California, *D. merriami* is the only species of kangaroo rat with four toes on each of its hind feet. The San Bernardino kangaroo rat has a body length of about 95 millimeters (mm) (3.7 inches (in)) and a total length of 230 to 235 mm (9 to 9.3 in). The hind foot measures less than 36 mm (1.4 in) in length. The body color is weakly ochraceous (yellow) with a heavy overwash of dusky brown. The tail stripes are medium to dark brown and the foot pads and tail hairs are dark brown. The animal's flanks and cheeks are dusky (Lidicker 1960). The San Bernardino kangaroo rat is considerably darker and much smaller than either of the other two subspecies of Merriam's kangaroo rat in southern California, *D. merriami merriami* and *D. merriami collinus*. Lidicker (1960) noted that the San Bernardino kangaroo rat is one of the most highly differentiated subspecies of *D. merriami* and that ''it seems likely that it has achieved nearly species rank.'' This differentiation is likely due to its apparent isolation from other members of *D. merriami*.

The San Bernardino kangaroo rat, a member of the family Heteromyidae, was first described by Rhoades in 1894 under the name *Dipodomys parvus* from specimens collected by R.B. Herron in Reche Canyon, San Bernardino County, California (Hall 1981). Elliot reduced *D. parvus* to a subspecies of *D. merriami* (*D. merriami parvus*) in 1901. The San Bernardino kangaroo rat appears to be separated from Merriam's kangaroo rat (*D. merriami merriami*) at the northernmost extent of its range near Cajon Pass by a 8 to 13 kilometer (km) (5 to 8 mile (mi)) gap of unsuitable habitat. The San Bernardino kangaroo rat may have in the distant past also intergraded with *D. merriami collinus* to the south in the vicinity of Menifee (Lidicker 1960, Hall 1981).

The historical range of this subspecies extends from the San Bernardino Valley in San Bernardino County to the Menifee Valley in Riverside County (Lidicker 1960, Hall 1981). Within this range, the San Bernardino kangaroo rat was known from over 25 localities (McKernan 1993). From the early 1880's to the early 1930's, the San Bernardino kangaroo rat was a common resident of the San Bernardino and San Jacinto valleys of southern California (Lidicker 1960).

In most heteromyids, soil texture is a primary factor in determining species' distributions (Brown and Harney 1993). San Bernardino kangaroo rats are found primarily on sandy loam substrates, characteristic of alluvial fans and flood plains, where they are able to dig simple, shallow, burrows (McKernan 1997). Based on the distribution of suitable (i.e., sandy) soils and the historical collections of this subspecies, the historical range is thought to have encompassed an area of approximately 128,000 hectares (ha) (320,000 acres (ac)) (Service, unpub. GIS maps, 1997). Although the entire area of the historical range would not have been occupied due to variability in vegetation and soils, the San Bernardino kangaroo rat was widely distributed across this area. By the 1930's, the habitat had been reduced to approximately 11,200 ha (28,000 ac)(McKernan 1997).

Currently, the San Bernardino kangaroo rat occupies approximately 1,299 ha (3,247 ac) of suitable habitat divided unequally among seven locations, which are widely separated from one another (McKernan 1997). Four of these locations (City Creek (8 ha (20 ac)), Etiwanda (2 ha (5 ac)), Reche Canyon (2 ha (5 ac)), and South Bloomington (.8 ha (2 ac)) support only small, remnant, populations. The

remaining three locations (the Santa Ana River (690 ha (1,725 ac)), Lytle and Cajon washes (456 ha (1,140 ac)), and San Jacinto River (140 ha (350 ac)) contain the largest extant concentrations of kangaroo rats and blocks of suitable habitat.

The three largest remaining blocks of occupied habitat (i.e., Santa Ana River, Lytle/Cajon creeks, and San Jacinto River) (1,286 ha (3,215 ac)) are distributed across a mosaic of approximately 5,479 ha (13,697 ac) of typically suitable, alluvial soils, which are dominated by sage scrub and chaparral. Virtually all remaining vegetative associations (except about 1,286 ha (3,215 ac)) are more mature than the open, early successional habitat structure required by the San Bernardino kangaroo rat. Existing and proposed hydrological modifications eliminate habitat renewal and obstruct population recovery over these highly fragmented wash habitats (Hanes *et al.* 1989, McKernan 1997). Thus, the residual 4 percent of historical habitat (5,479 ha (13,697 ac)), supports only about 1,286 ha (3,215 ac), that are ever likely to provide habitat, absent habitat renewal through large-scale flood or intensive management intervention. It is estimated that 400 ha (1,000 ac) are likely to support suitable habitat in the future, considering that 54 percent of remaining flood plain habitats are proposed for development in the foreseeable future.

Currently, the San Bernardino kangaroo rat is found primarily associated with a variety of sage scrub vegetation, where the common element is the presence of sandy soils (McKernan 1997). Where the San Bernardino kangaroo rat occurs in alluvial scrub, the subspecies reaches its highest densities in early and intermediate seral stages (McKernan 1997). Alluvial scrub includes elements from chaparral, coastal sage, and desert communities. Three successional phases of alluvial scrub have been described: pioneer, intermediate, and mature alluvial scrub, depending on elevation and distance from the main channels, and the time since previous flooding (Smith 1980, Hanes *et al.* 1989). Vegetative cover generally increases with distance from the active stream channel. The pioneer, or youngest phase, is subject to frequent disturbance, and vegetation is usually disturbed by annual floods (Smith 1980, Hanes *et al.* 1989). The intermediate phase, defined as the area between the active channel and mature terraces, is subject to periodic flooding at longer intervals. The vegetation on intermediate terraces is relatively open, and supports the highest densities of the San Bernardino kangaroo rat. The mature phase is rarely affected by flooding and supports the highest plant cover (Smith 1980). These flood events break out of the main river channel randomly, resulting in a braided appearance to the floodplain. This dynamic nature to the habitat leads to a situation where not all the alluvial scrub habitat is suitable for the kangaroo rat at any point in time. The San Bernardino kangaroo rat, like other subspecies of Merriam's kangaroo rat, prefers open habitats characterized by low shrub canopy cover (mostly 7 to 22 percent) and rarely occurs in dense vegetation (McKernan 1997). The older seral stages of the floodplain often are not suitable for this subspecies.

The range of the San Bernardino kangaroo rat is partially overlapped by the distribution of the Stephens' kangaroo rat (*Dipodomys stephensi*) and is entirely overlapped by the range of the Pacific kangaroo rat (*D. simulans*). Where these species occur in proximity, they are usually concentrated in different areas. The Stephens' kangaroo rat typically is associated with open, arid, grassland associations (Lackey 1967, O'Farrell *et al.* 1986, O'Farrell and Uptain 1987, O'Farrell 1990), and occurs on a variety of soil types. The Pacific kangaroo rat typically inhabits denser shrub cover on a variety of soil types. All three of these species can be identified from one another based on morphological characters.

Home ranges for the Merriam's kangaroo rat average 0.33 hectares (ha) (0.8 ac) for males and 0.31 ha (0.8 ac) for females (Behrends *et al.* 1986). Long sallies (bursting movements) of 100 meters (m) (328 feet (ft)) or more beyond these ranges are not uncommon. Although outlying areas of their home ranges may overlap, adults actively defend small core areas near their burrows (Jones 1993). Home range overlap between males and between males and females is extensive, but female-female overlap is slight (Jones 1993).

McKernan (1993) has found pregnant San Bernardino kangaroo rat females from February through October, and immatures from April through September. Some females may produce more than one litter per year. Litter size averages between 2 and 3 young (Eisenberg 1993).

Similar to other kangaroo rats, the San Bernardino kangaroo rat is primarily granivorous and often stores large quantities of seeds in surface caches (Reichman and Price 1993). Green vegetation and insects are also important seasonal food sources. Insects, when available, have been documented to constitute as much as 50 percent of a kangaroo rat's diet (Reichman and Price 1993). Females are known to increase ingestion of foods with higher water content during lactation, presumably to compensate for the increased water loss associated with milk production (Reichman and Price 1993). *Dipodomys merriami* is known for its ability to live indefinitely without water on a diet consisting entirely of dry seeds (Reichman and Price 1993).

Previous Federal Action

The San Bernardino kangaroo rat was designated by the Service as a category 2 candidate species for Federal listing as endangered or threatened in 1991 (56 FR 58804). Category 2 comprised taxa for which information in the possession of the Service indicated that proposing to list as endangered or threatened was possibly appropriate, but for which conclusive data on biological vulnerability and threat(s) were not available to support a proposed rule. Based on a review of status and distribution of the San Bernardino kangaroo rat, the subspecies was upgraded to a category 1 candidate for listing in 1994 (59 FR 58982). Category 1 candidate species were those where the Service had sufficient information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species. Upon publication of the February 28, 1996, notice of review (61 FR 7596), the Service ceased using category designations and included the San Bernardino kangaroo rat as a candidate species. The San Bernardino kangaroo rat was retained as a candidate species in the September 19, 1997, notice of review (62 FR 49401).

The processing of this proposed rule conforms with the Service's final listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475) and extended on October 23, 1997 (62 FR 55268). The guidance clarifies the order in which the Service will process rulemakings. The guidance calls for giving highest priority to handling emergency situations (Tier 1), second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings, third priority (Tier 3) to new proposals to add species to the list of threatened and endangered plants and animals and fourth priority (Tier 4) to designating critical habitat and processing delistings and reclassifications. This emergency rule constitutes a Tier 1 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 Federal lists. 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) of the Act. These factors and their application to the San Bernardino kangaroo rat *(Dipodomys merriami parvus)* are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

All occupied habitat of the subspecies, which encompasses approximately 1,300 ha (3,250 ac), is threatened by the direct and indirect effects of sand and gravel mining, highway construction, flood control operations, urban and industrial development, water conservation activities, and vandalism (McKernan 1997, Service unpub. GIS maps 1997).

Loss and fragmentation of San Bernardino kangaroo rat habitat is expected to continue as southern California's human population expands. In the 1950's, the population of Riverside and San Bernardino counties combined was about 400,000. Over 2.5 million people reside in this region, and by the year 2000, the human population of San Bernardino and Riverside counties is expected to increase to nearly 4 million (California Department of Finance 1993). Further habitat losses resulting from development or alteration of the landscape will likely have a significant adverse effect on the viability of remaining San Bernardino kangaroo rat populations. Additionally, habitat loss from intentional destruction of San Bernardino kangaroo rat habitat has been threatened if the species were to be listed.

Santa Ana River

The largest remaining population of the San Bernardino kangaroo rat occurs along the Santa Ana River. The flood plain terrace habitat encompasses about 1,637 ha (4,092 ac), of which approximately 690 ha (1,725 ac) are occupied by the San Bernardino kangaroo rat (McKernan 1997). The occupied habitat extends more or less continuously from the vicinity of Norton Air Force Base to the Greenspot Road Bridge north of Mentone (Service unpub. GIS maps 1997, McKernan 1997). Approximately 66 percent of flood plain terrace habitat is directly at risk due to the combined activities of the Army Corps of Engineers, United States Bureau of Land Management (BLM), San Bernardino Valley Water Conservation District, San Bernardino County Flood Control District, and two private sand mining operations (Service unpub. GIS maps 1997).

At least 80 percent of the remaining occupied habitat along the Santa Ana River is indirectly at risk because of the projected changes in hydrology due to Seven Oaks Dam (Service unpub. GIS maps 1997) being constructed by the Army Corps of Engineers (U.S. Army Corps of Engineers 1988). An indirect effect of operation of the Seven Oaks Dam will be the long-term succession of various stages of alluvial scrub, including much of a 775-acre mitigation area, into even aged stands of habitat scrub through time due to a reduction in scouring and deposition of fresh sands by floods. Curtailed hydrologic disturbance, where soil moisture is adequate, will allow shrub densities that exceed the low to moderate densities tolerated by the subspecies to develop (Hanes *et al.* 1989, McKernan 1997).

Past and ongoing activities of the San Bernardino County Flood Control District pose a threat to approximately 400 ha (1,000 ac) of alluvial scrub habitat in this area. Based on the distribution of soils and vegetative cover, approximately 176 ha (440 ac) of this area is occupied by the San Bernardino kangaroo rat (Service unpub. GIS maps 1997). Activities that impact this subspecies and its habitat include the construction of levees and sediment removal. The area at risk due to these activities supports approximately 25 percent of the population along the Santa Ana River (Service unpub. GIS maps 1997, McKernan 1997).

The BLM and San Bernardino Valley Water Conservation District lands are managed, in part, for the development or operation of water spreading basins for groundwater recharge. Although the San Bernardino kangaroo rat can occupy portions of areas modified by spreading basins, the flooded area is essentially lost to this animal due to the periodic presence of standing water and the degradation of habitat. Based on the distribution of soils and vegetative cover, approximately 140 ha (350 ac) of this area is occupied by the San Bernardino kangaroo rat (Service unpub. GIS maps 1997). The area affected by spreading basins represents approximately 20 percent of the population along the Santa Ana River (Service unpub. GIS maps 1997, McKernan 1997). The San Bernardino Valley Water Conservation District and BLM are coordinating with the Service and others to develop a regional conservation plan that attempts to reconcile conflicts among competing land uses, including the conservation of the San Bernardino kangaroo rat. However, this conservation plan has not been finalized and is not currently in effect. Though 371 ha (927 ac) of BLM land potentially are available for water percolation ponds, no ponds have been constructed recently.

Sand and gravel mining poses a significant and imminent threat to the San Bernardino kangaroo rat. Two sand mining operations collectively threaten approximately 552 ha (1,381 ac) of alluvial scrub habitat in this area (Lilburn 1997a and 1997b, P&D Technologies 1988, Service unpub. GIS maps 1997). Based on the distribution of soils and vegetative cover, a minimum of 150 ha (375 ac) of approved and proposed project areas is occupied by the San Bernardino kangaroo rat (Service unpub. GIS maps 1997). The area affected by sand mining represents approximately 22 percent of the population along the Santa Ana River (Service unpub. GIS maps 1997, McKernan 1997).

One proposed sand and gravel mining expansion is expected to receive certification under the California Environmental Quality Act (CEQA) in the next 2–4 months. A grading permit would be issued shortly thereafter. This project would further fragment habitat. In addition, this operator has repeatedly and publicly threatened to destroy habitat if the Service proposes to list the kangaroo rat.

Additional impacts will occur due to a large pipeline project (P&D Technologies 1992). Approximately 60 ha (150 ac) of alluvial scrub in the Santa Ana River will be impacted by this project. Based on the distribution of soils and vegetative cover, a minimum of 24 ha (60 ac) of this project area is occupied by the San Bernardino kangaroo rat (Service unpub. GIS maps 1997). This project has been reviewed and certified under the CEQA and, therefore, poses an imminent threat. The area directly threatened by this pipeline project represents 3 percent of the Santa Ana River population. The indirect effects of this project include further fragmentation of kangaroo rat habitat.

Other activities that threaten the San Bernardino kangaroo rat in this region include the closure of Norton Air Force Base (San Bernardino County) and the proposed development of this site into the San Bernardino International Airport (U.S. Department of the Air Force 1993). Habitat for the San Bernardino kangaroo rat on Norton Air Force Base will be reduced by

approximately 2 to 5 percent (Conservation Management Plan 1997).

Lytle and Cajon Creeks

The second largest remaining population of the San Bernardino kangaroo rat occurs along Lytle and Cajon creeks, from near Interstate 15 downstream on both drainages for approximately 8 km (5 mi) (McKernan 1997). This area contains approximately 2,688 ha (6,722 ac) of alluvial scrub habitat, of which approximately 456 ha (1,140 ac) are occupied. Of the alluvial scrub habitat, approximately 47 percent is directly threatened by the combined activities associated with sand mining operations, State Route 30, San Bernardino County Flood Control District, and urban development (e.g., The Villages at Lytle Creek) (Service unpub. GIS maps 1997). Based on an evaluation of soils and vegetative cover, a minimum of 34 percent of the occupied habitat in this area is threatened due to the combined effects of these activities (Service unpub. GIS maps 1997).

The joint draft environmental impact report for The Villages at Lytle Creek and a sand mining operation (T&B Planning Consultants 1996) describe some of the threats facing the San Bernardino kangaroo rat in this area. The proposed urban community, The Villages at Lytle Creek, will remove approximately 728 ha (1,821 ac) of alluvial scrub habitat (Michael Brandman Associates 1994, T&B Planning Consultants 1996). Based on the distribution of soils and vegetative cover, at least 132 ha (330 ac) of this project area is occupied by the San Bernardino kangaroo rat (Service unpub. GIS maps 1997). In addition to the upland development, the document discloses the proposed channelization of a portion of Lytle Creek. The area affected by The Villages at Lytle Creek represents approximately 29 percent of the remaining occupied habitat of the Lytle/Cajon population.

Proposed improvements to State Route 30 also threaten the San Bernardino kangaroo rat in the Lytle and Cajon Creek area. Approximately 2.8 ha (7 ac) of habitat will be directly removed due to this project (San Bernardino Association of Governments 1996). Based on the distribution of soils and vegetative cover, all of the project area in this area (i.e., 2.8 ha (7 ac)) is occupied by the San Bernardino kangaroo rat (Service unpub. GIS maps 1997). The area affected by State Route 30 represents approximately 0.1 percent of the occupied habitat in this area.

San Bernardino County Flood Control District (District) constructed a levee and parking lot for Glen Helen Regional Park. The construction of the levee continues to impact approximately 22 ha (55 ac) of habitat by precluding scouring events and the reestablishment of alluvial scrub vegetation. Given the attributes of the area, the entire site was likely occupied by the San Bernardino kangaroo rat prior to construction of the levee. The levee also threatens habitat occupied by the San Bernardino kangaroo rat on the opposite side of the Cajon Creek due to the alteration in the hydrological system. The levee likely will divert flood flows into the opposite bank and cause erosion of the Calmat conservation bank, which was established to help conserve listed and sensitive species in the area. The total amount of occupied habitat anticipated to be lost is, at a minimum, approximately 44 ha (110 ac) (Service unpub. GIS maps 1997). The area affected by flood control activities equates to approximately 10 percent of the occupied habitat in this area.

San Jacinto River

The third largest remaining population of San Bernardino kangaroo rat occurs in Riverside County. Here, the vast majority of alluvial floodplain has been impacted by flood control activities, agricultural and urban development, and sand and gravel mining in this area. Approximately 295 ha (737 ac) of alluvial scrub remains in this area and approximately 140 ha (350 ac) is occupied along the San Jacinto River.

Flood control activities that impact this species include grading of occupied habitat. Evidence of extensive grading exists throughout the remaining alluvial scrub vegetation within the flood control berms along the San Jacinto River in the vicinity of the City of San Jacinto (Arthur Davenport, Service, pers. obs. 1995). Flood control structures that impact this species include concrete channels and flood confining berms. The construction of a concrete channel appears to have isolated a small population of San Bernardino kangaroo rat located along Bautista Creek from the rest of the population along the San Jacinto River. The construction of berms too far into the flood plain is detrimental to the San Bernardino kangaroo rat in that the construction of the berms causes a loss of habitat by increasing the severity of scouring and land erosion.

Continuing, intermittent, agricultural activities, such as dry-land farming along the edges of the San Jacinto River in the vicinity of Hemet and the City of San Jacinto, also impact the San Bernardino kangaroo rat. Patches of suitable and occupied habitat occurring outside the flood control berms are occasionally disced due to agricultural activities (Arthur Davenport, pers. obs. 1995). Discing adversely affects the subspecies by destroying its burrows and habitat.

Urban and commercial development into the flood plain of the San Jacinto River continues to threaten the San Bernardino kangaroo rat. Although flood control berms have been in place for years, suitable and occupied habitat occurs outside the berms. Though degraded due to agricultural activities, occupied habitat outside the berms is critical to the maintenance of the species along the San Jacinto River because it provides a source population for recolonization of habitat within the berms following flood events.

The San Bernardino kangaroo rat is also impacted by the maintenance and expansion of spreading basins within its habitat. Maintenance of spreading basins results in the destruction of habitat and San Bernardino kangaroo rats that occur along the margins (Arthur Davenport, pers. obs. 1995). Similarly, the expansion of spreading basins results in a direct loss of suitable and occupied habitat. Eastern Municipal Water District has proposed ''reconstructing'' previously authorized groundwater recharge facilities in the San Jacinto River (U.S. Army Corps of Engineers 1997), including a new location for the recharge area. This project encompasses approximately 2.6 ha (6.5 ac) of alluvial scrub, and impacts approximately 2 percent of occupied habitat in the area (140 ha (350 ac)).

Both sand and gravel mining threaten the San Bernardino kangaroo rat in the San Jacinto River area. The operations of sand mining continue to impact occupied habitat. One mine site consists of 100 ha (250 ac) and occurs entirely in the flood plain of the San Jacinto River (Army Corps of Engineers 1996, Pre-discharge Notification 96–00397–RRS). Based on the distribution of soils and vegetative cover, a minimum of 40 ha (100 ac) of the project site is occupied by the San Bernardino kangaroo rat. Sand mining affects approximately 28 percent of the occupied habitat in the San Jacinto River area.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes.

This factor is not known to be applicable.

C. Disease or Predation.

Disease is not known to be affecting the San Bernardino kangaroo rat at this

time. However, fragmentation of habitat is likely to promote higher levels of predation by urban-associated animals (e.g., domestic cats) as the interface between natural habitat and urban areas is increased (Churcher and Lawton 1987). Domestic cats are known to be predators of native rodents (Hubbs 1951, George 1974), and predation by cats has been documented for the San Bernardino kangaroo rat (McKernan, pers. comm., 1994).

D. The Inadequacy of Existing Regulatory Mechanisms

The decline of the San Bernardino kangaroo rat is partially due to the inherent weakness of the existing laws and regulations that could serve to protect the animal and its habitat. Existing regulatory mechanisms that may provide some protection for the San Bernardino kangaroo rat include: (1) The CEQA and National Environmental Policy Act (NEPA); (2) the California Natural Community Conservation Planning Program; (3) the Surface Mining and Reclamation Act (SMCRA); (4) the Act in those cases where the San Bernardino kangaroo rat occurs in habitat occupied by other listed species; (5) the California Endangered Species Act (CESA); (6) conservation provisions under the Federal Clean Water Act; (7) land acquisition and management by Federal, State, or local agencies or by private groups and organizations; and (8) local laws and regulations. Many of these have limited protection authority since the San Bernardino kangaroo rat is not federally listed.

The majority of the known populations of the San Bernardino kangaroo rat occur on privately owned land. Local lead agencies responsible under CEQA and NEPA have made determinations that have, or would, adversely affect this taxon and its habitat. Examples of projects that have been completed or are currently undergoing the review process under CEQA and/or NEPA and will impact this species include Seven Oaks Dam, State Route 30 Improvement Project, Metropolitan Water District Inland Feeder Pipeline, Calmat Company, Sunwest Materials, Robertson's Ready Mix, San Jacinto Aggregates, and The Villages at Lytle Creek. Past, present, and proposed mitigation for impacts to this species and its habitat have been inadequate to stop or reverse its decline. CEQA decisions are also subject to over-riding social and economic considerations.

In 1991, the State of California established a Natural Community Conservation Planning Program (NCCP) to address conservation needs throughout the State. The initial focus of the program is the coastal sage scrub community. Within this program, the California Department of Fish and Game (CDFG) included the long-term conservation of alluvial scrub, which is in part occupied by the San Bernardino kangaroo rat. However, participation in NCCP is voluntary. San Bernardino and Riverside counties have signed planning agreements (Memoranda of Understanding (MOUs)) to develop multispecies plans that meet NCCP criteria, but have not enrolled in the NCCP program during the interim. The MOUs do not provide protection to candidate species during the planning process.

Reclamation of mined areas in the State of California is required under the Surface Mining and Reclamation Act (SMCRA). The County of San Bernardino also requires that mining companies submit a reclamation plan for County approval. The primary purpose of these ordinances is to provide for erosion control measures and to restore slopes to a moderate slope. However, reclamation is not likely to resolve the problem of maintaining or mitigating for the loss of species or ecosystem functions in a biologically meaningful way because of change in topography and altered hydrology. The feasibility of artificially creating a viable alluvial scrub plant community suitable for the San Bernardino kangaroo rat has not yet been demonstrated.

The BLM designated an Area of Critical Environmental Concern (ACEC) in the Santa Ana River in 1994. The ACEC is composed of three parcels of land that total 304 hectares (760 acres). The purpose of the ACEC is to protect and enhance the habitat of federally listed plant species occurring in the area, such as Santa Ana River wooly-star (*Eriastrum densifolium* ssp. *sanctorum*), and sensitive species such as the San Bernardino kangaroo rat, while providing for the administration of existing valid rights (BLM 1996). Although the establishment of the ACEC is important in regard to conservation of sensitive habitats and species in this area, the administration of valid existing rights conflicts with BLM's conservation abilities in this area. Existing rights include a withdrawal of Federal lands in this area for water conservation through an act of Congress, February 20, 1909 (Public, No. 248). The entire ACEC is included in this withdrawn land and may be available for water conservation measures such as the construction of percolation basins, subject to compliance with the Act.

The San Bernardino kangaroo rat is not protected under the CESA. The Federal and State Acts together can afford some measure of protection to the San Bernardino kangaroo rat in those areas where the species coexists with other species already listed as threatened or endangered. *Eriastrum densifolium* ssp. *sanctorum* (Santa Ana River woolly star) and *Dodecahema leptoceras* (slender-horned spineflower) are listed as endangered under the Act and the CESA, and the coastal California gnatcatcher (*Polioptila californica californica*) is listed as threatened under the Act. All three species can occur in habitats similar to those preferred by the San Bernardino kangaroo rat. However, the distribution of *D. leptoceras* and *E. densifolium* ssp. *sanctorum* is spotty and discontinuous, and only overlaps with a small portion of the habitat occupied by the San Bernardino kangaroo rat. The coastal California gnatcatcher, although known to occur within alluvial scrub habitat, has largely been extirpated from San Bernardino County within the range of the San Bernardino kangaroo rat and, therefore, occurrence with the listed species provides little ancillary protection. In Riverside County, coastal California gnatcatchers are not currently known to occur at any sites occupied by the San Bernardino kangaroo rat.

The San Bernardino kangaroo rat could potentially be affected by projects requiring a permit from the Army Corps of Engineers (Corps) under section 404 of the Clean Water Act. Although the objective of the Clean Water Act is to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters'' (Pub. L. 92–500), no specific provisions exist that adequately address the need to conserve candidate species. A majority of the remaining populations occur outside areas delineated as waters of the United States and, therefore, are not regulated. Moreover, numerous activities for which the Corps potentially has jurisdiction, including sand and gravel mining and flood control projects, have proceeded without their overview (see Factor A).

As a result of Fish and Wildlife Coordination Act activities, the Corps, in 1988, initiated a section 7 consultation on *Eriastrum densifolium* ssp. *sanctorum* for the proposed Seven Oaks Dam project on the Santa Ana River. About 310 ha (775 ac) of alluvial scrub habitat has been designated for preservation as mitigation for impacts to *Eriastrum densifolium* ssp. *sanctorum* resulting from the construction of the dam. Approximately 80 ha (200 ac) of this appears to be currently suitable for

the San Bernardino kangaroo rat (Service unpub. GIS maps 1997). However, the preserved area represents less than 7 percent of the alluvial scrub found in the entire Santa Ana River basin and approximately 12 percent of the basin habitat occupied by the San Bernardino kangaroo rat. Thus, the mitigation preserve, while providing some benefit, is likely not adequate to conserve the subspecies.

Local and county zoning designations are subject to change and do not specifically address the conservation and management needs of the San Bernardino kangaroo rat. However, numerous jurisdictions in western Riverside and San Bernardino counties are beginning a multi-species habitat conservation planning process, including coastal sage scrub-associated species and benefit to the kangaroo rat may result. Commitments for funding and implementation of the strategy and appropriate changes in land-use regulations to protect potential preserves during the planning process have not been made.

The Riverside County Habitat Conservation Agency is implementing an approved habitat conservation plan for the federally endangered Stephens' kangaroo rat that involves the establishment of permanent preserves in western Riverside County (Riverside County Habitat Conservation Agency 1996). Because the San Bernardino kangaroo rat occupies a largely different habitat type than that of the Stephens' kangaroo rat, the conservation plan for the Stephens' kangaroo rat will not benefit the San Bernardino kangaroo rat. Despite extensive surveys, no current records of San Bernardino kangaroo rats occur within any of the reserves established for Stephens' kangaroo rat (A. Davenport, pers. comm. 1997).

E. Other Natural or Manmade Factors Affecting Its Continued Existence.

Habitat for the San Bernardino kangaroo rat has been severely reduced and fragmented by development and related activities in the San Bernardino and San Jacinto Valleys. Habitat fragmentation results in loss of habitat, reduced habitat patch size, and an increasing distance between patches of habitat. As discussed by Andren (1994) regarding highly fragmented landscapes, reduced habitat patch size and isolation will exacerbate the effect of habitat loss on a species' persistence. That is, the loss of species, or decline in population size, will be greater than expected from habitat loss alone. The loss of native vertebrates, including rodents, due to habitat fragmentation is well documented (Soulé *et al.* 1992, Andren 1994, Bolger *et al.* 1997).

Isolated populations are subject to extirpation by manmade or natural events, such as floods and drought. Furthermore, small populations may experience a loss of genetic variability and experience inbreeding depression (Lacy 1997). Contributing to the fragmentation of San Bernardino kangaroo rat habitat are railroad tracks, roads, and flood control channels. These structures appear to function as movement barriers to the San Bernardino kangaroo rat, preventing movement between areas of suitable habitat.

All remaining population segments are at risk due to their small size and isolation. This is especially true for the four smallest populations (i.e., City Creek, Reche Canyon, Etiwanda, and South Bloomington). Urbanization exists throughout most of the San Bernardino kangaroo rat's range and the remaining larger blocks of occupied habitat (i.e., Santa Ana River, Lytle/Cajon, and San Jacinto River) now function independently of each other. This isolation of occupied patches places the entire population of San Bernardino kangaroo rat at risk because recolonization of suitable habitat following local extirpation has been precluded. The extirpation of populations from local catastrophes, such as flooding, is becoming more probable as urban development further constricts the remaining populations to the active portion of the flood plain. The largest remaining populations are now restricted entirely to flood plain habitats and vulnerable to extirpation by naturally occurring events.

Flood control structures alter both the magnitude and distribution of flooding. In the absence of flood scouring, sediments and organic matter accumulate over time, contributing to senescence of the alluvial scrub community and its conversion to coastal sage scrub or chaparral (Smith 1980, Wheeler 1991, Jigour and McKernan 1992). The dense canopy of these communities does not provide the open environment required by San Bernardino kangaroo rat, thereby reducing the habitat suitability for the species (Beatley 1976, McKernan 1997). Within the active channels, the confined flood events scour too frequently to maintain suitable San Bernardino kangaroo rat habitat.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this subspecies in developing this rule. Based on this evaluation, the Service finds that the emergency action is to list the San Bernardino kangaroo rat as endangered. This taxon is endangered by one or more of the following factors: Habitat destruction, degradation, and fragmentation resulting from sand and gravel mining, flood control projects, urban development, vandalism, and inadequate regulatory mechanisms. Because of these factors, the San Bernardino kangaroo rat is in imminent danger of extinction throughout all or a significant portion of its range. Threatened status does not appear appropriate considering the extent of decline of the populations of this taxon and the vulnerability of those populations remaining.

Reasons for Emergency Determination

Under section 4(b)(7) of the Act 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.

As discussed under Factor A, of the seven remaining populations, only three are of relatively large (viable) size. Much of the remaining habitat for the San Bernardino kangaroo rat is potentially threatened by vandalism as well as construction of approved projects. Threats of vandalism to San Bernardino kangaroo rat habitat have been made. Intentional herbicide application and grading were mentioned as possible ways to eliminate suitable habitat. Along the Santa Ana River, at least 80 percent of the remaining occupied habitat is indirectly at risk because of the projected changes in hydrology due to Seven Oaks Dam. Approximately 25 percent of the population along the Santa Ana River is further threatened by levee construction and maintenance and sediment removal activities of the San Bernardino County Flood Control District. About 20 percent of the habitat is managed, in part, for operation of water spreading basins. Finally, two proposed sand mining operations collectively threaten approximately 22 percent of the population along the Santa Ana River. These proposed sand and gravel mining expansions are expected to receive certification under the CEQA in 2–4 months. A grading permit would be issued shortly thereafter. The projects and sand and gravel mining operations also have the effect of fragmenting the habitat, further reducing the security of this species.

Along Lytle Creek and Cajon Wash, a minimum of 34 percent of the occupied habitat in this area is threatened due to the combined effects of sand and gravel mining, flood control activities, and the proposed development of The Villages at Lytle Creek. At least 28 percent of the occupied habitat in the San Jacinto River area is threatened by urban development, flood control activities, agricultural activities or sand and gravel mining.

Attempts to work with stakeholders have met with little success. When advised of the sensitivity of alluvial scrub habitats in the San Bernardino region in 1992, one local official threatened to destroy existing habitat areas by aerial herbicide application (Edna Rey, Service, pers. comm., 1997). Finally, the Service has been informed that an area of approximately 1,440 ha (3,560 ac) (approximately 26 percent) of the total remaining alluvial scrub habitat may be at risk of vandalism. Statements have been made advising the Service repeatedly that an attempt to list the San Bernardino kangaroo rat would elicit preemptive grading to protect corporate assets (Pete Sorensen, Service, pers. comm. 1996).

An emergency posing a significant risk to the well-being and continued survival of the San Bernardino kangaroo rat exists as the result of the immediate threat of destruction of a significant portion of the subspecies' remaining habitat by sand and gravel mining activities. For these reasons, the Service finds that the San Bernardino kangaroo rat 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 is defined in section 3(5)(A) of the Act as: (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 consideration 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.

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 a species is designated to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the San Bernardino kangaroo rat. The Service's 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.

Critical habitat designation for the San Bernardino kangaroo rat is not prudent because an increase in the degree of threat to the species is expected. This subspecies is found in fragmented habitat composed of various sage scrub shrub vegetation in the presence of sandy soils. The designation of critical habitat, including the required publication of maps providing precise locations, would bring unnecessary attention to those areas of the range that are occupied by this kangaroo rat and encourage acts of vandalism or intentional destruction of habitat. This attention would likely lead to an increase in activities (such as discing or blading) by landowners who do not want listed species on their property (see Factor A, above). Therefore, given the limited/habitat specific distribution of the San Bernardino kangaroo rat, and the possibility that a significant portion of the species' remaining habitat could be rapidly vandalized and destroyed, the Service concludes that it is not prudent to designate critical habitat for that reason alone.

The designation of critical habitat is also not prudent due to an expected lack of benefit to the species. Although a majority of San Bernardino kangaroo rat habitat occurs on privately owned lands, many activities that pose threats to the continued existence of this subspecies are funded, permitted, or carried out by Federal agencies (e.g., section 404 of the Clean Water Act, flood control, impoundment, and other stream and wetland modification projects). Section 7 of the Act requires that Federal agencies refrain from contributing to the destruction or adverse modification of critical habitat in any action authorized, funded or carried out by such agency. This requirement is in addition to the section 7 prohibition against jeopardizing the continued existence of a listed species, and it is the only mandatory legal consequence of a critical habitat designation. Any action that would adversely modify San Bernardino kangaroo rat critical habitat would likely jeopardize the continued existence of the subspecies because the biological threshold for either determination would be the same. Thus, if the San Bernardino kangaroo rat is listed, activities occurring on all lands under Federal jurisdiction or ownership that may adversely affect the San Bernardino kangaroo rat would prompt the requirement for consultation pursuant to section 7(a)(2) of the Act and the implementing regulations pertaining thereto, regardless of whether critical habitat has been designated. Furthermore, the designation of critical habitat would have no regulatory effect on activities that are not subject to a Federal nexus.

The Service acknowledges that critical habitat designation, in some situations, may provide some value to the species by identifying areas important for species conservation and calling attention to those areas in special need of protection. Critical habitat designation of unoccupied habitat may also benefit this subspecies by alerting Federal action agencies to potential sites for reintroduction and allow them to evaluate proposals that may affect these areas. However, in this the case, any benefit provided by designation of critical habitat for the San Bernardino kangaroo rat would be accomplished more effectively through the recovery process and the jeopardy prohibition of section 7. Designating critical habitat for this kangaroo rat would not address vegetation seral stage management or control urban development, all of which need to be addressed in the recovery of this subspecies.

Accordingly, the Service concludes that designation of critical habitat would not be beneficial to the species and could increase the degree of threat from taking. Therefore, designation of critical habitat for the San Bernardino kangaroo rat is not prudent at this time.

The Service will continue in its efforts to obtain more information on the San Bernardino kangaroo rat biology and ecology, including essential habitat characteristics particularly in regard to stream flow regimes, current and historical 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, private landowners and organizations.

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 and 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 involving listed plants and animals 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.

Federal agencies expected to have involvement with the San Bernardino kangaroo rat or its habitat include the Corps and the Environmental Protection Agency due to their permit authority under section 404 of the Clean Water Act. The Federal Aviation Administration has jurisdiction over areas with potentially suitable San Bernardino kangaroo rat habitat in the vicinity of Redlands Municipal Airport and Norton Air Force Base in San Bernardino County. The Federal Highway Administration will likely be involved through potential funding of highway construction projects near Devore, Rancho Cucamonga, Rialto, and San Bernardino (San Bernardino County). Because the San Bernardino kangaroo rat occurs on Norton Air Force Base (San Bernardino County), the base will likely be involved through the transfer of Federal lands to a non-Federal entity and the conversion of this area to a civilian airport. The BLM has jurisdiction over a portion of the habitat occupied by the San Bernardino kangaroo rat along the Santa Ana River. The Forest Service will likely be involved because populations of the San Bernardino kangaroo rat occur within or near the boundaries of the Cleveland National Forest and San Bernardino National Forest. The Bureau of Reclamation may be involved through the potential funding of water reclamation and flood control projects. The Bureau of Indian Affairs may be involved with this taxon at Soboba Indian Reservation (Riverside County). The Federal Housing Administration could potentially be involved through loans for housing projects in the region. The Federal Energy Regulatory Commission could be involved in projects affecting existing or proposed transmission lines in the Santa Ana River or Etiwanda Creek areas.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general trade 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 (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to 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 State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23 and 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, or for incidental take in connection with otherwise lawful activities.

It is the policy of the Service (59 FR 34272) to identify to the maximum extent practical at the time a species is listed, 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 listing on proposed and ongoing activities within a species' range, and to assist the public in identifying measures needed to protect the species. The Service believes that, based on the best available information, the following actions would not be likely to result in a violation of section 9:

(1) Possession, delivery, or movement, including interstate transport and import into or export from the United States, involving no commercial activity, dead specimens of this taxa that were collected prior to the date of publication in the **Federal Register** of the final regulation adding this taxa to the list of endangered species;

(2) Road kills or injuries by vehicles on designated public roads.

Potential activities involving the San Bernardino kangaroo rat that the Service believes likely would be considered a violation of section 9 include, but are not limited to, the following:

(1) Take of San Bernardino kangaroo rat without a permit, which includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting any of these actions, except in accordance with applicable State fish and wildlife conservation laws and regulations;

(2) Possess, sell, deliver, carry, transport, or ship illegally taken San Bernardino kangaroo rats;

(3) Interstate and foreign commerce (commerce across State and international boundaries) and import/export (as discussed earlier in this section) without appropriate permits;

(4) Destruction or alteration of San Bernardino kangaroo rat habitat by discing, grading, sand or gravel mining, flooding, vehicle operation, or other activities that result in the destruction or significant degradation of vegetative composition, substrate composition, or other activity that impacts breeding, feeding, or availability of cover;

(5) Alteration of hydrology that results in adverse modification of San Bernardino kangaroo rat habitat (e.g., establishment of inappropriate stages of vegetation).

Questions regarding whether specific activities will constitute a violation of section 9 or to obtain approved guidelines for actions within the kangaroo rat habitat should be directed to the Service's Carlsbad Field Office (see **ADDRESSES** section). Requests for copies of the regulations concerning listed animals and inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Endangered Species Permits, 911 NE. 11th Avenue, Portland, Oregon

97232–4181 (telephone 503/231–6241; facsimile 503/231–6243).

National Environmental Policy Act

The Service has determined that an Environmental Assessment or Environmental Impact Statement, 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).

Required Determinations

This rule does not contain collections of information that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

References Cited

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

Author

The primary author of this proposed rule is Arthur Davenport 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, Transportation.

Regulation Promulgation

Accordingly, the Service amends part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

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							
*	*	*	*	*	*	*	
Kangaroo rat, San Bernardino.	*Dipodomys merriami parvus.*	U.S.A. (CA)	NA	E	631	NA	NA
*	*	*	*	*	*	*	

Dated: January 20, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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