

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* INSECTS *		*	*	*	*		*
* Fender's blue butterfly.	* <i>Icaricia icarioides fenderi.</i>	* U.S.A. (OR) .....	* NA .....	* E	* .....	NA	* NA
* * *		*	*	*	*		*

3. Amend section 17.12(h) by adding the following, in alphabetical order, under FLOWERING PLANTS, to the List

of Endangered and Threatened Plants to read as follows:

**§ 17.12 Endangered and threatened plants.**  
\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
* FLOWERING PLANTS *		*	*	*	*		*
* <i>Erigeron decumbens</i> var. <i>decumbens.</i>	* Willamette daisy .....	* U.S.A. (OR) .....	* Asteraceae .....	* E	* .....	NA	* NA
* <i>Lupinus sulphureus</i> ssp. <i>kincaidii.</i>	* Kincaid's lupine .....	* U.S.A. (OR, WA) .....	* Fabaceae .....	* T	* .....	NA	* NA
* * *		*	*	*	*		*

Dated: December 30, 1997.  
**Jamie Rappaport Clark,**  
Director, Fish and Wildlife Service.  
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BILLING CODE 4310-55-P

**DEPARTMENT OF THE INTERIOR**  
**Fish and Wildlife Service**  
**50 CFR Part 17**  
**RIN 1018-AE59**  
**Endangered and Threatened Wildlife and Plants; Proposed Rule to List the San Bernardino Kangaroo Rat as Endangered; and Notice of Public Hearing**  
**AGENCY:** Fish and Wildlife Service, Interior.  
**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to make the provisions of the emergency rule listing the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act), permanent. The historic range of the San Bernardino kangaroo

rat has been reduced by approximately 96 percent due to agricultural and urban development. Of the remaining occupied habitat, a minimum of 90 percent is threatened by habitat loss, degradation, and fragmentation due to sand and gravel mining operations, flood control projects, and urban development. In addition, all of the remaining populations of San Bernardino kangaroo rat are threatened by seasonal flood events due to current restriction of the subspecies to these active flood plain habitats. Additional data and information on the status of this animal, which may assist the Service in making a final decision on this proposed action, is solicited.  
**DATES:** Comments from all interested parties must be received by March 30, 1998. A public hearing has been scheduled for Tuesday, March 3, 1998, from 2-4 P.M. and 6-8 P.M.  
**ADDRESSES:** Comments and materials concerning this proposal should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the

above address. The public hearing will be held at the San Bernardino Hilton, 285 E. Hospitality Lane, San Bernardino, California.  
**FOR FURTHER INFORMATION CONTACT:** Field Supervisor, Carlsbad Field Office, at the address listed above (telephone 760/431-9440).  
**SUPPLEMENTARY INFORMATION:**  
**Background**  
For a thorough discussion of biological information, previous Federal action, a summary of the factors affecting the species, the reasons why critical habitat is not being proposed, and conservation measures available to listed and proposed species, consult the emergency rule on the San Bernardino kangaroo rat published in this same **Federal Register**, separate part.  
**Public Comments Solicited**  
The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited.

Comments particularly are sought concerning:

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

(2) The location of any additional populations of this subspecies;

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

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

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

The Endangered Species Act provides for a public hearing on this proposal, if requested. In anticipation of public interest, the Service has scheduled a public hearing on Tuesday, March 3, 1998, at the San Bernardino Hilton. Parties wishing to make statements for the record should bring a copy of their statement to the hearing. Oral statements may be limited in length if

the number of parties present at the hearing necessitates such a limitation. There are no limits to the lengths of written comments or materials presented at the hearing or mailed to the Service. Written comments carry the same weight as oral comments. The comment period closes on March 30, 1998. Written comments should be submitted to the Service Office listed in the ADDRESSES section.

**National Environmental Policy Act**

The Fish and Wildlife 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).

**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.

**Proposed Regulation Promulgation**

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 17—[AMENDED]**

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

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

2. Amend § 17.11(h) by 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.	* <i>Dipodomys merriami parvus.</i>	* U.S.A. (CA) .....	* Entire .....	* E	* 631,___	NA	* NA
*	*	*	*	*	*		*

Dated: January 20, 1998.  
**Jamie Rappaport Clark,**  
 Director, Fish and Wildlife Service.  
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