

particularly soliciting information on the following:

(a) Existing populations of the coastal California gnatcatcher within its range in the United States;

(b) Existing populations of the California gnatcatcher in Mexico;

(c) Information on the regulatory authorities available for the protection of the California gnatcatcher in Mexico;

(d) Information on the adequacy of regulatory authorities available to protect coastal California gnatcatcher habitat in California absent the application of the Act;

(e) Ways in which the coastal California gnatcatcher exists in an ecological setting that is unusual or unique compared to the California gnatcatcher generally;

(f) Any other information that the Service should consider in its review of the taxonomy.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

## Background

The coastal California gnatcatcher (*Poliophtila californica californica*) is a small (length 11 centimeters (cm) (4.5 inches (in)), weight 6 grams (g) (0.2 ounces (oz)), long-tailed member of the old-world warbler and gnatcatcher family Sylviidae (American Ornithologist Union 1998). The bird's plumage is dark blue-gray above and grayish-white below. The tail is mostly black above and below. The male has a distinctive black cap, which is absent during the winter. Both sexes have a distinctive white eye-ring. As its common name implies, the gnatcatcher preys upon arthropods, including insects such as leafhoppers and planthoppers (Homoptera), and spiders (Burger *et al.* 1999).

The United States population of the coastal California gnatcatcher is

restricted to coastal southern California from Ventura and San Bernardino counties, California south to the Mexican border (American Ornithologists' Union 1957; Atwood 1991; Banks and Gardner 1992; Garrett and Dunn 1981). An evaluation of the historic range of the coastal California gnatcatcher indicates that about 41 percent of its latitudinal distribution is within the United States and 59 percent is within Baja California, Mexico (Atwood 1990). An analysis based on elevational limits associated with gnatcatcher locality records reveals that a significant portion (65 to 70 percent) of the coastal California gnatcatcher's historic range may have been located in southern California rather than Baja California (Atwood 1992). The analysis suggested that the species occurs below about 912 meters (m) (3,000 feet (ft)) in elevation.

The coastal California gnatcatcher was considered locally common in the mid-1940s, although a decline in the extent of its habitat was noted (Grinnell and Miller 1944). By the 1960s, this species had apparently experienced a significant population decline in the United States that has been attributed to widespread destruction of its habitat (Pyle and Small 1961). Pyle and Small (1961) reported that "the California subspecies is very rare, and lack of recent records of this race compared with older records may indicate a drastic reduction in population." Atwood (1980) estimated that no more than 1,000 to 1,500 pairs remained in the United States. Atwood (1980) also noted that remnant portions of its habitat were highly fragmented, with nearly all being bordered on at least one side by rapidly expanding urban centers. Subsequent reviews of coastal California gnatcatcher status by Garrett and Dunn (1981) and Unitt (1984) paralleled the findings of Atwood (1980). The subspecies was listed as threatened on March 30, 1993, because of habitat loss and fragmentation resulting from urban and agricultural development and the synergistic effects of cowbird parasitism and predation (58 FR 16742). Subsequent studies showed that gnatcatcher populations undergo wide variations in numbers, depending on annual rainfall and climatic conditions, but that habitat loss in southern California has continued to restrict gnatcatcher populations in the United States (Erickson and Miner 1998; Preston *et al.* 1998; Atwood 2001).

The coastal California gnatcatcher typically occurs in or near sage scrub habitat, which is a broad category of vegetation that includes the following plant communities: Venturan coastal

sage scrub, Diegan coastal sage scrub, maritime succulent scrub, Riversidean sage scrub, Riversidean alluvial fan (areas created when sediments from the stream are deposited) scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub (Holland 1986; Kirkpatrick and Hutchinson 1977; Westman 1983). Based upon dominant species, these communities have been further divided into series such as black sage, brittlebush, California buckwheat, California buckwheat-white sage, California encelia, California sagebrush, California sagebrush-black sage, California sagebrush-California buckwheat, coast prickly-pear, mixed sage, purple sage, scalebroom, and white sage (Sawyer and Keeler-Wolf 1995).

The majority of plant species found in sage scrub habitat are low-growing, drought-deciduous shrubs and sub-shrubs. Generally speaking, most types of sage scrub are dominated by one or more of the following: *Artemisia californica* (California sagebrush), *Eriogonum fasciculatum* and *E. cinereum* (buckwheat), *Encelia californica* (coast sunflower), *Encelia farinosa* (brittlebush), *Salvia mellifera*, *S. apiana*, and *S. leucophylla* (sage). Sage scrub often occurs in a patchy, or mosaic, distribution pattern throughout the range of the gnatcatcher.

Coastal California gnatcatchers also use chaparral (shrubby plants adapted to dry summers and moist winters), grassland, and riparian (areas near a source of water) habitats where they occur in proximity to sage scrub. These non-sage scrub habitats are used for dispersal and foraging (Atwood *et al.* 1998; Campbell *et al.* 1998). Availability of these non-sage scrub areas is essential during certain times of the year, particularly during drought conditions, for dispersal, foraging, or nesting. Several studies have also suggested that gnatcatchers avoid nesting on very steep slopes (greater than 40 percent) (Bontrager 1991, Mock and Bolger 1992, Ogden 1992). However, steep slopes may still be suitable for foraging and dispersal.

Several comprehensive overviews of the life history and ecology of the coastal California gnatcatcher have been prepared and are the basis for much of the discussion presented below (*e.g.*, Atwood 1990; Atwood and Bontrager 2000; Western Birds 29(4) 1998). The coastal California gnatcatcher is nonmigratory and defends breeding territories ranging in size from 1 to 6 ha (2 to 14 ac). Reported home ranges vary in size from 5 to 15 ha (13 to 39 ac) for this species (Mock and Jones 1990). The breeding season of the coastal California