

threatened wildlife and plants, reclassification, and removal from the list. They are: (1) Discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing.

Discreteness refers to the isolation of a population from other members of the species and is based on two criteria: (1) Marked separation from other populations of the same taxon resulting from physical, physiological, ecological, or behavioral factors, including genetic discontinuity; or (2) populations delimited by international boundaries.

We determine significance by using the available scientific evidence to determine the DPS's importance to the taxon to which it belongs. Our policy lists four examples of factors that may be used to determine significance: (1) Persistence of the DPS in an ecological setting unusual or unique for the taxon; (2) evidence that loss of the DPS would result in a significant gap in the range of the taxon; (3) evidence that the DPS represents the only surviving natural occurrence of the taxon that may be more abundant elsewhere as an introduced population outside its historic range; and (4) evidence that the DPS differs markedly from other populations of the taxon in its genetic characteristics.

If we determine that a population segment is discrete and significant, we evaluate it for endangered or threatened status based on the Act's standards. Endangered means the species is in danger of extinction throughout all or a significant portion of its range. Threatened means the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

Discreteness: In accordance with our DPS policy, we may determine a population to be discrete at an international border where there are significant differences in (1) the control of exploitation; (2) management of habitat; (3) conservation status, or (4) regulatory mechanisms (61 FR 4722).

In the case of the California gnatcatcher, significant differences exist between the United States and Mexico with regard to management of habitat and conservation regulatory mechanisms. As previously discussed, the species' distribution ranges from Ventura County in the United States south to the tip of the Baja California peninsula in Mexico (Atwood 1988). Past surveys within northern Baja California, Mexico, have failed to reveal

California gnatcatchers within approximately 25 km (15.5 miles) south of the border, despite apparently suitable habitat (RECON 1991, Mellink and Rea 1994). The closest individual birds have been documented at Valle de las Palmas, an inland locality 25 km (15.5 miles) south of the border; Plaza de Santa Maria, 43 km (26.7 miles) south of the border along the coast; and several locations around Ensenada, 85 km (52.8 miles) south, including Cerro El Vigia, and Punta Banda (Mellink and Rea 1994). Further, Mellink and Rea (1994) found consistent morphological discontinuity between populations north and south of the border, suggesting reduced gene flow across this area.

The populations north and south of the international border are treated under very different regulatory regimes. In Mexico, the California gnatcatcher is not considered rare, threatened, or endangered by the Mexican Government (Diario Oficial 2000). As such, take of individuals or the loss and degradation of their habitat are not regulated. Several reports have commented on the destruction of natural habitats in northwestern Mexico (e.g., Mellink and Rea 1994, Oberbauer 1992; RECON 1991). Habitat loss and degradation due to housing construction, agriculture, grazing, burning, and off-road recreational vehicles is ongoing (Mellink and Rea 1994, Oberbauer 1992). Within the remaining undisturbed patches of vegetation, gnatcatchers do not appear to be uniformly distributed even in what appears to be appropriate habitat (Mellink and Rea 1994). The already discontinuous gnatcatcher populations in the region may therefore be particularly susceptible to increased isolation and fragmentation due to ongoing unregulated habitat destruction.

Based upon the above discussion, the U.S. population segment of the California gnatcatcher is discrete from populations in Mexico based upon differences in the management of habitat and regulatory mechanisms (see also 56 FR 47053).

Significance: Populations of the California gnatcatcher in the United States are unusual in the ecological setting or habitat that they occupy. Throughout the majority of the species' range, California gnatcatchers inhabit desert scrub habitats, usually in the thicker vegetation found in washes (Atwood 1988). At the southern end of the range, this species also occurs in dense thorn scrub (Atwood 1988). North of 30° N latitude, near El Rosario, Baja California Norte, however, the species enters the California floristic province

in what is referred to as maritime succulent scrub (Holland 1986, Mooney 1988, Oberbauer 1992, Westman 1983). This vegetation type is characterized by abundant cacti and other succulents, including Shaw's agave (*Agave shawii*), golden-spined cereus (*Bergerocactus emoryi*), live forever (*Dudleya* spp.), cholla and prickly pear (*Opuntia* spp.), and pitaya cactus (*Machaerocereus gummosus*), as well as shrubs such as Parry buckeye (*Aesculus parryi*), chaparral ash (*Fraxinus trifoliata*), cliff spurge (*Euphorbia misera*), boxthorn (*Lycium californicum*), California sagebrush (*Artemisia californica*), and coast sunflower (*Encelia californica*) (Holland 1986, Mellink and Rea 1994, Mooney 1988, Oberbauer 1992, Westman 1983). Maritime succulent scrub extends only a few miles into the United States into southern San Diego County (Holland 1986, Mooney 1988).

Vegetation types within the range of the species in the United States are characterized as (from south to north) Diegan coastal sage scrub, Riversidean sage scrub, and Venturan coastal sage scrub (coastal scrub series) (Kirkpatrick and Hutchinson 1977, Sawyer and Keeler-Wolf 1995). These habitats typically have a relatively low percent cover of succulents and are dominated by drought deciduous (malacophyllous) subshrubs such as California sagebrush (*Artemisia californica*), flat-topped buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), white sage (*Salvia apiana*), coast sunflower (*Encelia californica*), brittlebush (*Encelia farinosa*), and deerweed (*Lotus scoparius*) (Kirkpatrick and Hutchinson 1977, Sawyer and Keeler-Wolf 1995). The ecological setting inhabited by the species north of the border is therefore unique within its range. The species' ability to exist under these conditions suggests unique behavioral and/or physiological adaptations (Mellink and Rea 1994).

The extinction of the population segment of the California gnatcatcher in the United States would also be significant in that it would substantially reduce the overall range of the species. The northern 209 km (130 miles) of the latitudinal range of the species (approximately 20 percent of its total range) occurs within the United States. Extirpation of the species in the northern one-fifth of its latitudinal range would (1) preclude future range expansion into currently unoccupied habitats farther to the north in the United States (e.g., Ventura County), and (2) prevent natural shifts in range in response to future changes in climate and vegetation composition and structure. Current evidence already