

canopy may be present (Bakeman 1997). When present, the shrub canopy is often *Salix* spp. (willow), although shrub species including *Symphoricarpos* spp. (snowberry), *Prunus virginiana* (chokecherry), *Crataegus* spp. (hawthorn), *Quercus gambelli* (Gambel's oak), *Alnus incana* (alder), *Betula fontinalis* (river birch), *Rhus trilobata* (skunkbrush), *Prunus americana* (wild plum), *Amorpha fruticosa* (lead plant), *Cornus sericea* (dogwood), and others also may occur (Bakeman 1997; Shenk and Eussen 1998).

Additional research on the species' habitat has supported and refined the definition of habitat used in the 1998 listing rule. This recent information indicates that, although Preble's have rarely been trapped in uplands adjacent to riparian areas (Dharman 2001), detailed studies of the Preble's movement patterns using radio-telemetry found Preble's feeding and resting in adjacent uplands and traveling considerable distances along streams, as far as 1.6 km (1.0 mi) in one evening (Shenk and Sivert 1999a; Shenk and Sivert 1999b; Ryon 1999; Schorr 2001). These studies suggest that the Preble's uses uplands at least as far out as 100 m (330 ft) beyond the 100-year floodplain (Ryon 1999; Tanya Shenk, Colorado Division of Wildlife, in litt. 2002).

The third petitioner also raised several issues specifically dealing with stated increased costs or private property takings or life, health, and safety issues, including disease carried by deer mice. The Code of Federal Regulations (50 CFR 424.11(b)) states that the Service must make determinations based on the basis of the best available scientific and commercial information regarding a species' status, without reference to possible economic or other impacts of such determination.

New Information Available in the Service's Files

In addition to considering information provided by the petitioners, if any, the Service also must consider the information readily available at the time of this finding. Additional information on the Preble's has become available since the species was listed in 1998 and since the petitions were received. As cited earlier, numerous surveys have been undertaken throughout the species' range in suitable habitat areas where the species was presumed to occur but had not been documented. Some of these surveys provided verification of Preble's presence at the survey locations; others did not. The survey results indicate that the species may persist at or may have been extirpated from individual survey

locations. Research has been conducted, such as radio-telemetry studies on habitat use and movements by Preble's that has added to current knowledge about the species' biology. There is new information verifying differences in morphological characteristics between *Zapus hudsonius preblei* and related taxa (Connor and Shenk, in press).

Information is available on the presence of and possible increases in threats to Preble's and its habitat throughout a large portion of the species' range, as evidenced by—(1) section 7 consultations conducted to address adverse effects to the Preble's from Federal actions and (2) applications by private parties for permits to take Preble's. The Service is in the process of preparing a recovery plan for the Preble's and is involved in section 7 consultations on Federal activities as well as assisting with the development of Habitat Conservation Plans addressing many private activities. Through these efforts, we are continually reviewing and considering all newly available information regarding the species' abundance and the threats it faces.

Finding

The Service has reviewed the petitions, the material submitted with the petitions and subsequent to the petitions, and additional information in the Service's files. On the basis of the best scientific and commercial data available, the Service finds that the petitions and information in the Service's files do not present substantial information that delisting the Preble's meadow jumping mouse in Colorado and Wyoming may be warranted.

References Cited

A complete list of all references cited in this finding is available, upon request, from the Lakewood, Colorado Fish and Wildlife Office (see ADDRESSES section).

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: December 11, 2003.

Steve Williams,

Director, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Recovery Plan for *Deinandra conjugens* (Otay Tarplant)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and comment.

SUMMARY: The U.S. Fish and Wildlife Service ("we"), announces the availability of the Draft Recovery Plan for *Deinandra conjugens* (Otay Tarplant) for public review. This draft recovery plan includes specific criteria and measures to be taken in order to effectively recover the species to the point where delisting is warranted. We solicit review and comment from the public and local, State, and Federal agencies on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before March 2, 2004 to receive our consideration.

ADDRESSES: Hard copies of the draft recovery plan will be available in 2 to 4 weeks. An electronic copy of this draft plan is now available at <http://www.pacific.fws.gov/ecoservices/endangered/recovery/default>. Written request for copies of the draft recovery plan and submission of written comments regarding the plan should be addressed to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009. Supporting documents are available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Kelly Goocher, Fish and Wildlife Biologist, at the above Carlsbad address (telephone: 760-431-9440).

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of our endangered species program and the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.