

may also be affecting survival. This rule implements the protection and recovery provisions afforded by the Act for these two beach mice.

EFFECTIVE DATE: June 12, 1989.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION

Background

Beach mice are pale-colored coastal subspecies of the oldfield mouse (*Peromyscus polionotus*), a wide-ranging species in the southeastern United States. Beach mice occur only along the Atlantic and Gulf coasts of Florida and the Gulf coast of Alabama. Three subspecies of Gulf coast beach mice, the Alabama beach mouse (*Peromyscus polionotus ammobates*), Perdido Key beach mouse (*P. p. trissyllepsis*), and the Choctawhatchee beach mouse (*P. p. allophrys*), have already been listed as endangered species pursuant to the Act (June 6, 1985; 50 FR 23872). The present rule lists two of the Atlantic coast subspecies. One of these, the Anastasia Island beach mouse (*P. p. phasma*), is listed as an endangered species; the other, the southeastern beach mouse (*P. p. niveiventris*), is listed as threatened. Both occur only in Florida. The Anastasia Island beach mouse was known historically from the mouth of the St. Johns River, Duval County, south to Matanzas Inlet, St. Johns County. The southeastern beach mouse formerly occurred from Ponce (Mosquito) Inlet, Volusia County, south to Hollywood Beach, Broward County (Humphrey 1987).

The Anastasia Island beach mouse (*Peromyscus polionotus phasma*) was named by Bangs in 1898 as a full species, *Peromyscus phasma*. Osgood (1909) relegated it to subspecific rank under the species *Peromyscus polionotus*. It is one of the largest of the beach mice, with ten adults from the type locality averaging 138.5 mm. in total length with an average tail length of 53 mm. (Osgood 1909). Like all beach mice, it is considerably paler than inland races of *P. polionotus*. The coloration is light ochraceous buff on the back, with pure white underparts, a unicolor tail, and rather indistinct white markings on the nose and face (Howell, unpubl. ms., circa 1940). The type

locality is Point Romo, Anastasia Island, St. Johns County, Florida (Hall 1981).

The southeastern beach mouse (*Peromyscus polionotus niveiventris*) was named by Chapman as *Hesperomys niveiventris* in 1889. Bangs placed it in the genus *Peromyscus* in 1898, and Osgood (1909) relegated it to subspecies rank under *Peromyscus polionotus*. This is the largest of the beach mice, with 10 adults averaging 139 mm. in total length and 52 mm. in tail length (Osgood 1909). It is slightly darker and more buffy than *Peromyscus polionotus phasma*, but still considerably paler than most inland subspecies (it is similar in coloration to inland *P. p. rhoadsi*, but is much larger in size) (Howell, unpubl. ms., circa 1940). The type locality is Oak Lodge, east peninsula opposite Micco, Brevard County, Florida (Hall 1981).

Both *Peromyscus polionotus phasma* and *P. p. niveiventris* are restricted to sand dunes mainly vegetated by sea oats (*Uniola paniculata*) and dune panic grass (*Paspalum amarulum*), and to the adjoining scrub, characterized by oaks (*Quercus* sp.) and sand pine (*Pinus clausa*) or palmetto (*Serenoa repens*) (Humphrey and Barbour 1981, Humphrey 1987). Extine and Stout (1987) studied dispersion and movements of *Peromyscus polionotus niveiventris* on Merritt Island. The habitat of the mice consisted of three contiguous zones of vegetation running parallel with the beach and dune lines. Zone 1 was seaward and supported sea oats; Zone 2 was characterized by clumps of palmetto and sea grape (*Coccoloba uvifera*), and expanses of open sand; Zone 3 was interior and consisted of dense scrub dominated by palmetto, sea grape, and wax myrtle (*Myrica cerifera*). Zones 2 and 3 were found to be the preferred habitats of the beach mice, whereas Zone 1 was marginal.

The following information pertains mostly to Gulf coast beach mice, but probably applies to subspecies along the Atlantic coast, since all beach mice are morphologically similar and live in similar habitats.

Blair (1951) found that food plants most utilized by beach mice are various beach grasses and sea oats. The fruits of beach grass are readily available to the mice, but those of sea oats are usually obtainable only after they have been blown down by heavy winds. These foods are often found stored in mouse burrows. Beach mice also probably eat invertebrates from time to time, especially in late spring and early summer when seeds are scarce (Ehrhart in Layne, 1978).

Beach mice are burrow-inhabiting animals. Ehrhart (in Layne 1978), writing

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Status for the Anastasia Island Beach Mouse and Threatened Status for the Southeastern Beach Mouse

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service hereby determines the Anastasia Island beach mouse (*Peromyscus polionotus phasma*) to be an endangered species and the southeastern beach mouse (*Peromyscus polionotus niveiventris*) to be a threatened species pursuant to the Endangered Species Act of 1973, as amended (Act). These mice occur only on the Atlantic coast of Florida and have declined primarily due to the alteration and destruction of their habitat. In some areas competition from house mice and predation by house cats

about the Atlantic coast subspecies *P. p. decoloratus*, noted that burrow entrances are usually placed on the sloping side of a dune at the base of a shrub or clump of grass. Old burrows of ghost crabs are utilized, but more commonly the mice excavate their own burrows (Blair 1951). The home range may contain up to 20 burrows, which are used for refuge, nesting, and food storage.

Along the Gulf coast, much breeding activity was evident from November through early January, when many immature animals were present (Blair 1951). Litters ranged from two to seven, averaging four; mice reached reproductive maturity as early as 6 weeks of age. In the laboratory, Bowen (1968) found that a female beach mouse could produce over 80 young during her lifetime, with litters produced regularly at 26-day intervals. Mortality of the young is very high, however. Blair (1951) found that only 19.5 percent of beach mice on the Gulf coast survived more than 4 months. Similar breeding activity for the two beach mice considered under this rule can be expected.

Myers (1983) reported that raccoons, skunks, snakes, great blue herons, domestic dogs, and domestic cats could be beach mouse predators on the Gulf coast dunes. These species are also potential beach mouse predators on the Atlantic coast.

Hall (1981) cites two historical records for the Anastasia Island beach mouse: The type locality at Point Romo, Anastasia Island, St. Johns County; and the beach dunes at the border of the St. Johns and Duval County line. This subspecies, therefore, could have ranged along the ocean dunes from the mouth of the St. Johns River in Duval County south to the end of Anastasia Island at Matanzas Inlet, St. Johns County. A recent survey of this subspecies by Humphrey (1987) located the mouse only on Anastasia Island, where its remaining habitat is fragmented and discontinuous, and populations are small. Much former habitat on Anastasia Island has been converted to lawn or concrete associated with development of houses and condominiums.

The original distribution of the southeastern beach mouse was along beach dunes from Ponce (Mosquito) Inlet, Volusia County, south along the coast to Hollywood Beach, Broward County. Humphrey (1987) found the mouse common at Cape Canaveral and in smaller numbers at Cape Canaveral National Seashore. From Sebastian Inlet to Hutchinson Island, only a few small, scattered remnant populations survive. A survey of southeastern beach mouse

habitat conducted at four State-owned recreation areas by the Florida Department of Natural Resources during the spring and summer of 1988 yielded the following results: one southeastern beach mouse was trapped at the Ft. Pierce Inlet State Recreation Area (St. Lucie County), four were taken at the Sebastian Inlet State Recreation Area (Indian River County), and none were caught at the MacArthur Beach State Park (Palm Beach County) or the St. Lucie Inlet State Park (Martin County). The latter two areas lie south of Hutchinson Island, where nearly all beach dunes have been destroyed by housing and condominium developments.

A third Atlantic coast beach mouse subspecies, *Peromyscus polionotus decoloratus*, formerly occurred between the ranges of *P. p. phasma* to the north and *P. p. niveiventris* to the south. This very pale race lived on the beach dunes from Matanzas Inlet, St. Johns County south to Ponce (Mosquito) Inlet, Volusia County. Humphrey and Barbour (1981) searched extensively for *decoloratus* but were unable to find any existing populations. They concluded that habitat destruction and alteration throughout its entire range had brought about its extinction. *Peromyscus polionotus decoloratus* appeared as a category 3A species, one that is probably extinct, in the notice of review for vertebrate animals published September 18, 1985, in the **Federal Register** (50 FR 37958). In this same notice, the other two beach mice were placed in category 2, indicating they were being considered as candidates for listing. A proposed rule for classifying the Anastasia Island beach mouse as endangered and the southeastern beach mouse as threatened was published on July 5, 1988 (53 FR 25185).

Summary of Comments and Recommendations

In the July 5, 1988, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting general comment were published on July 23, 1988, in the "Fort Pierce News-Tribune;" on July 24, 1988, in the "Stuart News" and "Daytona Beach Journal;" and on July 30, 1988, in the "St. Augustine Record," "Florida Today" (Melbourne), the "Vero Beach Press-Journal," and the "Palm Beach Post." Eight comments were received:

three were from Federal agencies, three from State agencies, one from a county department, and one from an individual. Only one expressed opposition to the listing.

The one opposing comment came from the U.S. Air Force's Patrick Air Force Base in Brevard County. In a letter dated August 19, 1988, the Acting Deputy Range/Base Civil Engineer stated that the Air Force was very concerned about the possible listing of the mice. He felt the listing of this "vermin" species would seriously hamper the Air Force with its mission accomplishment at Cape Canaveral Air Force Station. He further stated that the listing might not only delay or prevent future project development but could further obligate and impose mitigative and financial type actions on both the Fish and Wildlife Service and the Air Force. According to this commentor, the listing would also have a negative impact on future beach and dune restoration projects.

The Service responds with the following four points. (1) The southeastern beach mouse is not a "vermin" species since it is neither destructive to human interests nor annoying or injurious to human health. The Service believes that the Air Force is confusing this rare and totally innocuous mouse with the very common and often obnoxious house mouse (*Mus musculus*). (2) The Service is required by law to list any species as endangered or threatened if it meets the Act's criteria for such listing; there being no alternative in such cases regardless of what effect the listing may have on Federal agencies and their activities. (3) There is very little likelihood that the listing will hamper the Cape Canaveral Air Force Station's mission accomplishment. The Service has found through many years of experience that the Section 7 consultation process of the Act almost invariably allows Federal activities to proceed (often with only minor alteration) while still providing necessary protection to endangered or threatened species. (4) The Service does not believe the listing will have a negative effect on beach and dune restoration projects: in fact the southeastern beach mouse should benefit from such activities since loss of this type of habitat has been a major threat to the species.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Anastasia Island beach mouse should be classified as an endangered

species, and the southeastern beach mouse as a threatened species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Anastasia Island beach mouse (*Peromyscus polionotus phasma*) and the southeastern beach mouse (*Peromyscus polionotus niveiventris*) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range

(1) Anastasia Island beach mouse—Published literature records this subspecies from the type locality at Point Romo, Anastasia Island, St. Johns County, and along the beach dunes at the line between Duval and St. Johns Counties (Hall 1981). Therefore, this mouse probably occurred from the mouth of the St. Johns River in the north to Anastasia Island in the south. Much dune habitat along this beach has been developed around Jacksonville and St. Augustine, and is unsuitable for beach mice. Some suitable habitat occurs between Ponte Vedra Beach and South Ponte Vedra Beach, St. Johns County, in the Guana River Wildlife Management Area, but Humphrey (1987) was unable to find the mice there. In fact, Bangs reported in 1896 that these beach mice were absent from the beaches north of St. Augustine. Humphrey (1987) found populations distributed along the length of Anastasia Island, but reported that much of their former habitat has been lost due to development of houses and condominiums. As a result, the remaining habitat is fragmented and discontinuous, and the populations are small. The number of specimens caught by Humphrey (live-trapped and released) suggests that viable populations may remain only at the ends of Anastasia Island, along the publicly-owned dune grasslands of Anastasia State Recreation Area and Fort Matanzas National Monument. Proposed bridge replacement across the Matanzas Inlet, scheduled for construction early in the 1990's, would affect the small amount of habitat (about 25 acres) remaining on Fort Matanzas National Monument. Unless this bridge is carefully planned and constructed, it could be extremely detrimental to the survival of the mouse in this area.

(2) Southeastern beach mouse—This subspecies occurred on the sand dunes

along the beach from Ponce (Mosquito Inlet, Volusia County in the north to Hollywood Beach, Broward County, in the south (Hall, 1981). Bangs (1898) found it to be "extremely abundant on all the beaches of the east peninsula from Palm Beach at least to Mosquito (Ponce) Inlet," and Howell (unpubl. ms., circa, 1940) found that it was abundant in the 1930's. I.J. Stout (personal communications to Humphrey, 1987) also found it abundant in the middle and late 1970's on Cape Canaveral. However, by the early 1970's, M.H. Smith (personal communications to Humphrey, 1987) found that most other populations had disappeared. Humphrey (1987), during extensive trapping for the subspecies in 1986, captured southeastern beach mice on Cape Canaveral National Seashore, Merritt Island National Wildlife Refuge, Cape Kennedy Air Force Station, the southern half of Sebastian Inlet State Recreation Area and Pepper Park. He reported that the dune grassland at Cape Canaveral is excellent, extensive habitat for beach mice, and that the population density there is apparently high. Northward the habitat narrows to a single dune in Canaveral National Seashore, where population density appears to be lower. Humphrey's study suggested that beach mice no longer occur on East Peninsula, where the habitat has been severely disrupted by development. He found that only a few, small, fragmented populations of beach mice remain from Sebastian Inlet to Hutchinson Island. The subspecies apparently no longer occurs in the southern part of its range; beach development has destroyed its habitat at Jupiter Island, Palm Beach, Lake Worth, Hillsboro Inlet, and Hollywood Beach.

B. Overutilization for commercial, recreation, scientific, or educational purposes

Not applicable for either subspecies.

C. Disease or predation

(1) Anastasia Island beach mouse—House mice (*Mus musculus*) have colonized much of the dune grassland on which the Anastasia Island beach mouse depends for survival. The inference that these two mice compete is speculative, but Humphrey and Barbour (1981) presented evidence for competitive exclusion of other subspecies of beach mice by house mice. The situation on Anastasia Island is unprecedented because for the first time beach mice and house mice have been found to co-occur locally. Also, house cats (*Felis catus*) are widespread on Anastasia Island. Blair (1951) and Bowen (1968) felt that house cats were

extremely threatening to beach mouse populations on the Florida West Coast. The effects of house mice and house cats on the survival of beach mouse populations are speculative but may be quite important (Humphrey and Barbour, 1981). Either a competitor or a predator alone can eliminate another species, and the effects of a competitor and predator together would be additive. On the assumption that native beach mice and non-native house mice compete strongly enough to cause competitive exclusion of the former, Humphrey (1987) inferred that the survival status of the Anastasia Island beach mouse was precarious. The population on the northern end of Anastasia Island may soon disappear. The population appearing to be at least risk is at Fort Matanzas National Monument, where he recorded no house mice. Even there, however, Humphrey thought that the likelihood of colonization by house mice was high, and posed a threat to beach mice.

(2) Southeastern beach mouse—Humphrey (1987) found no evidence of house mice colonizing southeastern beach mouse habitat, but house cat activity was widespread in the areas studied. Although the effects of house cat predation on the southeastern beach mouse are unknown, house cats are a major threat to Gulf Coast beach mice. Blair (1951) felt that predation by house cats was the single most important factor affecting the chances of survival of beach mice on Santa Rosa Island in the Florida panhandle, and Bowen (1968) was so concerned about the role of domestic cats as predators on Gulf coast beach mice that he avoided trapping mice wherever he found cat tracks on the beaches. House cats pose as serious a threat to Atlantic coast beach mouse populations as they do to those on the Gulf coast.

D. The Inadequacy of Existing Regulatory Mechanisms

No current regulatory mechanisms provide protection to the Anastasia Island beach mouse, the southeastern beach mouse, or their habitat. Neither subspecies is listed by the State of Florida, and the Federal Government offers no protection on Federal lands beyond that which applies to wildlife in general on such lands. Federal listing will provide protection to the animals themselves through section 9 of the Act, and to their habitat on Federal lands or on private lands where Federal funding or Federal permits are involved. Federal listing of these mice will also effect State protection for them through Florida's Cooperative Agreement with

the Federal Government under section 6 of the Act.

E. Other Natural or Manmade Factors Affecting its Continued Existence

(1) Anastasia Island beach mouse— Except at each end of Anastasia Island (Fort Matanzas National Monument and the Anastasia State Recreation Area), the habitat is fragmented and discontinuous, and remaining populations are small. There is apparently little or no gene flow between these small disjunct populations and the probability of loss of genetic viability is high.

(2) Southeastern beach mouse— According to Humphrey (1987) beach erosion may soon become a threat to the population of this subspecies on the Canaveral National Seashore.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these subspecies in formulating this rule. Based on this evaluation, the preferred action is to list the Anastasia Island beach mouse as an endangered species, and the southeastern beach mouse as a threatened species.

Viable populations of Anastasia Island beach mice occur only on the northern and southern ends of Anastasia Island on the Fort Matanzas National Monument and Anastasia State Recreation Area. The remaining populations have either already been destroyed or face imminent threats from beachfront development. Even at the Anastasia State Recreation Area the mice are threatened by competition with house mice and predation by house cats. House cats are also present at the Fort Matanzas National Monument, and house mice may become established in the future. The proposed bridge replacement across Matanzas Inlet, if not carried out carefully, could be detrimental to the remaining habitat for this mouse at the Monument. This subspecies is in danger of extinction throughout all of its range and qualifies for listing as endangered.

The range of the southeastern beach mouse has been substantially reduced and fragmented by habitat conversion and invasion of exotic animals. These threats are anticipated to continue, and the range of this subspecies ultimately may be limited to public lands that are properly managed. Because substantial populations remain on the Canaveral National Seashore and on Merritt Island (both publicly owned), the subspecies is not likely to become extinct but rather may become an endangered species within the foreseeable future unless management and protective measures

are instituted. It therefore qualifies for listing as a threatened species.

Based on current knowledge, all other alternatives to listing the Anastasia Island beach mouse as endangered and the southeastern beach mouse as threatened do not adequately reflect the biological facts and therefore have been rejected. Critical habitat is not determined for reasons described in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Anastasia Island beach mouse and the southeastern beach mouse at this time. The only viable populations of both subspecies occur on lands managed by Federal or State agencies. These agencies have been informed of the occurrence of the mice on lands they manage, and must take measures to provide necessary protection for both the mice and their habitat. Critical habitat designation would provide no benefits to the mice beyond that provided by the listing action. Outside Federal and State lands, these beach mice occur in very small, disjunct populations on a number of privately owned parcels of land. To determine each of the small parcels of land as critical habitat would be impossible from a practical standpoint, and might be detrimental to the populations that inhabit them by calling public attention to the presence of the mice. Publication of maps and precise descriptions delineating these areas, as required for a determination of critical habitat, could attract vandals and curiosity seekers to them, possibly damaging the habitat intended for protection. Since designation of critical habitat on public lands would not benefit the mice, and designation of critical habitat on private lands might be harmful to them, it is not prudent to determine critical habitat for the conservation of the Anastasia Island beach mouse or the southeastern beach mouse.

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 practices. Recognition through listing encourages and results in conservation actions by Federal, State,

and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm 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. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to insure 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.

The Federal agencies that might be affected by the Anastasia Island beach mouse and/or southeastern beach mouse listings include the U.S. Air Force (Cape Canaveral Air Force Station and Patrick Air Force Base), NASA (Kennedy Space Center), the U.S. Fish and Wildlife Service (Merritt Island and Hobe Sound National Wildlife Refuges) and the National Park Service (Canaveral National Seashore and Fort Matanzas National Monument), and, perhaps, the Federal Emergency Management Agency (FEMA).

With the publication of this rule, these Federal agencies need to insure that activities which they authorize, fund, or carry out, are not likely to jeopardize the continued existence of these animals. Except for the National Park Service at the Fort Matanzas National Monument, and perhaps FEMA, impacts on Federal agencies are expected to be minimal. In the case of the Fort Matanzas National Monument, the Park Service will need to insure that a new bridge proposed for the Matanzas Inlet will not jeopardize the survival of the Anastasia Island beach mouse on Monument lands.

Under the National Flood Insurance Program, FEMA is required to determine if communities are eligible for Federal flood insurance. If the determination of eligibility for flood insurance by the FEMA authorizes and/or in effect partially subsidizes construction activity that may affect a listed species, then the FEMA must request the initiation of formal section 7(a)(2) consultation.

Whether or not any future FEMA activities will be affected is unknown.

There will be no effect on private landowners from the listing unless their activities involve use of Federal funds or require Federal permits. In such cases, the funding or permitting agency must insure that the activities will not jeopardize the continued existence of the beach mice before they can provide the funds or issue the permits to the private landowner. However, the Service is not aware of any cases at the present time where activities of private landowners would be affected by this requirement.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all endangered and threatened wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions would 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 species 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, and/or incidental take in connection with otherwise lawful activities. For threatened species, there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. In some instances,

permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environment 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).

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Author

The primary author of this rule is John L. Paradiso (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is hereby amended as set forth below:

PART 17—[AMENDED]

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

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 811; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411; Pub. L. 100-478, 102 Stat. 2306; Pub. L. 100-653, 102 Stat. 3825 (16 U.S.C. 1531 *et seq.*); 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.

§ 17.11 Endangered and threatened wildlife.

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(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Mouse, Anastasia Island beach.....	<i>Peromyscus polionotus phasma</i>	U.S.A. (FL).....	Entire.....	E	349	NA	NA
Mouse, southeastern beach.....	<i>Peromyscus polionotus niveiventris</i>	U.S.A. (FL).....	Entire.....	T	349	NA	NA