

multipurpose passenger vehicle, truck, and bus, whose overall width is less than 80 inches, whose GVWR is 10,000 pounds or less, manufactured on or after September 1, 1993, shall be equipped with a high-mounted stop lamp which:

(1) Shall have an effective projected luminous area not less than 4½ square inches.

(2) Shall have a signal visible to the rear through a horizontal angle from 45 degrees to the left to 45 degrees to the right of the longitudinal axis of the vehicle.

(3) Shall have the minimum photometric values in the amount and location listed in Figure 10.

(4) Need not meet the requirements of paragraphs 3.1.6 Moisture Test, 3.1.7 Dust Test, and 3.1.8 Corrosion Test of SAE Recommended Practice J186a, Supplemental High-Mounted Stop and Rear Turn Signal Lamps, September 1977, if it is mounted inside the vehicle.

(5) Shall provide access for convenient replacement of the bulb without the use of special tools.

(b) Each multipurpose passenger vehicle, truck and bus whose overall width is less than 80 inches, whose GVWR is 10,000 pounds or less, whose vertical centerline, when the vehicle is viewed from the rear, is not located on a fixed body panel but separates one or two movable body sections, such as doors, which lacks sufficient space to install a single high-mounted stop lamp on the centerline above such body sections, and which is manufactured on or after September 1, 1993, shall have two high-mounted stop lamps which:

(1) Are identical in size and shape and have an effective projected luminous area not less than 2¼ inches each.

(2) Together have a signal to the rear visible as specified in paragraph (a)(2) of this S5.1.1.27.

(3) Together have the minimum photometric values specified in paragraph (a)(3) of this S5.1.1.27.

(4) Shall provide access for convenient replacement of the bulbs without special tools.

* * * * *

3. S5.1.1.30 and S5.1.1.31, as they were added effective December 1, 1991 (55 FR 20161, May 15, 1990; 55 FR 50184, Dec. 5, 1990), are redesignated as S5.1.1.31 and S5.1.1.32, respectively.

4. S5.1.1.28 and S5.1.1.29 are redesignated as S5.1.1.29 and S5.1.1.30, respectively.

5. New S5.1.1.28 is added and S5.3.1.8 is revised to read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S5.1.1.28 A multipurpose passenger vehicle, truck, or bus, whose overall width is less than 80 inches, and whose GVWR is 10,000 pounds or less, that is manufactured between September 1, 1992 and September 1, 1993, may be equipped with a high-mounted stop lamp or, in the case of vehicles subject to S5.1.1.27(b), two high-mounted stop lamps, that conform to S5.1.1.27 and S5.3.1.8.

* * * * *

S5.3.1.8 (a) Each high-mount stop lamp installed in or on a vehicle subject to S5.1.1.27(a) shall be located as follows:

(1) With its center at any place on the vertical centerline of the vehicle, including the glazing, as the vehicle is viewed from the rear.

(2) If the lamp is mounted below the rear window, no portion of the lens shall be lower than 6 inches below the rear window on convertibles, or 3 inches on other passenger cars.

(3) If the lamp is mounted inside the vehicle, means shall be provided to minimize reflections from the light of the lamp upon the rear window glazing that might be visible to the driver when viewed directly, or indirectly in the rearview mirror.

(b) The high-mounted stop lamps installed in or on a vehicle subject to S5.1.1.27(b) shall be located at the same height, with one vertical edge of each lamp on the vertical edge of the body section nearest the vertical centerline.

* * * * *

§ 571.108 [Amended]

6. In the second column of Table III to § 571.108, for the entry "High-mounted stoplamp", the text "1 red, for passenger cars only" is revised to read "1 red".

7. In the second column of Table IV to § 571.108, for the entry "High-mounted stoplamp", the text "On the rear, on the vertical centerline [See S4.3.1.8], effective September 1, 1985, for passenger cars only" is revised to read "On the rear, on the vertical centerline [See S5.1.1.27, S5.3.1.8, and Table III]".

8. In the fourth column of Table IV to § 571.108, for the entry "High-mounted stoplamp", the text "[See S5.3.1.8]" is revised to read "See S5.3.1.8 for passenger cars. Not less than 34 inches for multipurpose passenger vehicles, trucks, and buses".

Issued on: April 11, 1991.

Jerry Ralph Curry,

Administrator.

[FR Doc. 91-9220 Filed 4-18-91; 3:05 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB42

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the plant *Schoepfia arenaria*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Schoepfia arenaria* (no common name), a small evergreen tree, to be a threatened species pursuant to the Endangered Species Act (Act) of 1973, as amended. Historically, *Schoepfia arenaria* was known from the coastal forests of northern Puerto Rico. Deforestation for industrial and urban development has extirpated the species from most of these areas. This endemic plant is currently threatened by proposed development projects in Isabela and by land invasion for house construction in Piñones. This final rule will implement the Federal protection and recovery provisions afforded by the Act for *Schoepfia arenaria*.

EFFECTIVE DATE: May 20, 1991.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622, and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Marelisa T. Rivera at the Caribbean Field Office address (809/851-7297) or Mr. Dave Flemming at the Atlanta Regional Office address (404/331-3583 or FTS 841-3583).

SUPPLEMENTARY INFORMATION:

Background

Schoepfia arenaria was first collected in Puerto Rico by Amos Arthur Heller in 1899 from sandy coastal thickets at San José Lagoon, Santurce (Little et al. 1974), but it was described by Britton (Urban 1907). San José Lagoon was the source of specimens collected by Holdridge in 1939 and by L.E. Gregory in 1939. However, urban and industrial expansion has resulted in the elimination of this population. Today it is known from Isabela, Piñones, Fajardo and the Río Abajo Commonwealth Forest. The species may also exist in the

Tortuguero Lagoon Natural Reserve (Vicente Quevedo, Department of Natural Resources, *in litt.* 1990).

Schoepfia arenaria is an evergreen shrub or small tree up to 20 feet (6 m) tall and with several trunks from the base reaching 4 inches (10 cm) in diameter. The leaves are simple, alternate, without stipules, with petioles $\frac{1}{8}$ inch (4 mm) long; the upper surface is green and slightly shiny, and the lower surface is light green. *Schoepfia arenaria* has been observed with flowers mainly in spring and fall, and with fruits in summer and winter. Usually two or three light yellow tubular-shaped flowers are borne on the end of the stalk in the leaf bases. The fruit is elliptic, one-seeded, shiny red, and $\frac{1}{2}$ inch (12 mm) in diameter. The wood is light brown and hard.

Schoepfia arenaria is found in low elevation evergreen and semi-evergreen forests (subtropical moist forest life zone) of the limestone hills of northern Puerto Rico. In the Isabela area approximately 100 individuals are known from the wooded upper slopes of the hills to the west of the mouth of the Guajataca Gorge. Individuals of all size classes have been reported. Hills in this area were destroyed for the construction of Highway 2 and the area is under intense development pressure for both rural and urban development. The construction of a resort development, including 7 hotels, 5 golf courses, 36 tennis courts and 1,300 housing units, threatens the area.

In the area near the Piñones Commonwealth Forest about 30 mature plants and numerous saplings and seedlings of *Schoepfia arenaria* are known from Punta Maldonado. The land invasion for house construction, the encroachment of the illegal dumping of trash and the introduction of domestic animals threatens the area. In the same general vicinity, this species was also known from Punta Vacía Talega, but was last seen by Woodbury in 1981 (Department of Natural Resources 1990).

This species is also found in limestone hills at El Convento, Fajardo (property owned by the Commonwealth of Puerto Rico for the governor's beach house). In this area approximately 50 individuals were estimated. Recent searches indicated that 10 to 12 individuals are present on one limestone hill in this property. In the Río Abajo Commonwealth Forest one individual was found in 1985 at "cuesta de los perros" (C. Laboy, pers. comm.).

Schoepfia arenaria was recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps 1978). The species was included among the plants being considered as endangered

or threatened species by the Service, as published in the *Federal Register* (45 FR 82480) dated December 15, 1980; the November 28, 1983, update (48 FR 53680) of the 1980 notice; and revised notices of September 27, 1985 (50 FR 39526) and February 21, 1990 (55 FR 6184). The species was designated category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in each of the four notices.

In a notice published in the *Federal Register* on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service subsequently made petition findings in each October from 1983 through 1989 that listing *Schoepfia arenaria* was warranted but precluded by other pending listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. A proposed rule to list *Schoepfia arenaria*, published September 17, 1990 (55 FR 38102), constituted the final 1-year finding in accordance with section 4(b)(3)(B)(ii) of the Act.

Summary of Comments and Recommendations

In the September 17, 1990, proposed rule and associated notifications, all interested parties were requested to submit factual reports of information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were requested to comment. A newspaper notice inviting general public comment was published in *El Día* on October 2, 1990, and in the *San Juan Star* on September 30, 1990. Three letters of comment were received and are discussed below. A public hearing was neither requested nor held.

The Puerto Rico Department of Natural Resources, Natural Heritage Division, supported the listing of *Schoepfia arenaria* as a threatened species. The Department also pointed out that a reported occurrence of the species in the Tortuguero Lagoon Natural Reserve was missing from the Service's data, and that contrary to the proposed rule, the two sites indicated as being in the Piñones Commonwealth Forest are actually on private lands. This information has been incorporated into the final rule.

Dr. José L. Vivaldi from the National Park Service provided comments, but he

did not indicate either support or objection to listing the species.

Costa Isabela Partners commented and supported the listing of the species. They mentioned that all of the identified *Schoepfia arenaria* trees on their property are located on cliffs that are to be donated to the Puerto Rico Department of Natural Resources in order to ensure their protection and preservation.

Summary of Factors Affecting the Species

After the thorough review and consideration of all information available, the Service has determined that *Schoepfia arenaria* should be classified 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 an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Schoepfia arenaria* Urban & Britton are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range.

Destruction and modification of habitat have been, and continue to be, significant factors reducing the numbers of *Schoepfia arenaria*. Deforestation for construction, including urban, industrial and tourist development, the leveling of limestone hills for construction material, random cutting and yam harvesting have all contributed to the species' decline.

B. Overutilization For Commercial, Recreational, Scientific, or Educational Purposes

Taking for these purposes has not been a documented factor in the decline of this species. However, its ornamental potential could result in future taking.

C. Disease or Predation

Disease and predation have not been documented as factors in the decline of this species.

D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Schoepfia arenaria* is not yet on the Commonwealth list. Federal listing would provide immediate protection

and, if the species is ultimately placed on the Commonwealth list, enhance its protection and possibilities for funding needed research.

E. Other Natural or Manmade Factors Affecting its Continued Existence

One of the most important factors affecting the continued survival of *Schoepfia arenaria* is its limited distribution.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Schoepfia arenaria* as threatened. The species is restricted to only a few sites in coastal thickets and limestone hills of northern Puerto Rico, most of which are subject to habitat destruction and modification by development projects. However, because plants of all sizes and ages have been observed, it appears that the species is not in imminent danger of becoming extinct. Threatened status, therefore, seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for *Schoepfia arenaria* are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act requires, to the maximum extent prudent and determinable, that the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The number of individuals of *Schoepfia arenaria* is sufficiently small that vandalism could seriously affect the survival of the species. Publication of critical habitat descriptions and maps would only tend to make the species more vulnerable. The Service believes that Federal involvement in the areas where this plant occurs can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will also be addressed through the recovery process and through the section 7 jeopardy standard.

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, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, 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 certain activities involving listed plants 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 and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure 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. No critical habitat is being designated for *Schoepfia arenaria*, as discussed above. Federal involvement is not anticipated where the species is known to occur.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth

criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulations. This protection may apply to threatened plants once revised regulations are promulgated. Certain exceptions apply to agents of the Service and Commonwealth conservation agencies.

The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. However, it is anticipated that few trade permits for *Schoepfia arenaria* will ever be sought or issued, since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358-2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, 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).

References Cited

- Ayensu, E.S., and R. A. Defilippis. 1978. Endangered and threatened plants of the United States. Smithsonian Institution and World Wildlife Fund, Washington, DC xv + 403 pp.
- Department of Natural Resources. 1990. Natural Heritage Program, San Juan, P.R.
- Liogier, H.A. and L.F. Martorell. 1982. Flora of Puerto Rico and adjacent islands: a systematic synopsis. University of Puerto Rico, Río Piedras, Puerto Rico. 342 pp.
- Little, E.L., R.O. Woodbury, and F.H. Wadsworth. 1974. Trees of Puerto Rico and the Virgin Islands. U.S. Department of Agriculture, Washington, DC 1024 pp.
- Urban, I. 1907. Symb. Ant. 5:181.

Author

The primary author of this final rule is Ms. Marelisa Rivera, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended 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 § 17.12(h) by adding the following, in alphabetical order, under Olacaceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *
(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Olacaceae—Olax family: Schoepfia arenaria	None	U.S.A. (PR)	T	420	NA	NA

Dated: April 2, 1991.
Richard N. Smith,
Acting Director, Fish and Wildlife Service.
[FR Doc. 91-9193 Filed 4-18-91; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 901184-1042]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure to directed fishing in the Gulf of Alaska; request for comments.

SUMMARY: The Regional Director, Alaska Region, NMFS, (Director), is establishing a directed fishing allowance and prohibiting directed fishing for the shortraker-rougheye rockfish species group in the Central Regulatory Area of the Gulf of Alaska. This action is necessary to prevent the total allowable catch (TAC) for shortraker-rougheye rockfish in the Central Regulatory Area of the Gulf of Alaska from being exceeded before the end of the fishing year. The intent of this action is to promote optimum use of groundfish while conserving shortraker-rougheye rockfish stocks.

DATES: Effective 12 noon on April 15, 1991, Alaska local time (A.l.t.), for the remainder of the fishing year. Comments are invited for 15 days following the effective date of this notice.

ADDRESSES: Comments should be mailed to Dale R. Evans, Chief, Fisheries Management Division, National Marine

Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802-1668, or be delivered to 9109 Mendenhall Mall Road, Federal Building Annex, suite 6, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs the groundfish fishery in the exclusive economic zone in the Gulf of Alaska under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

In accordance with § 672.20(c)(2), if the Director determines that the amount of a target species category apportioned to a fishery is likely to be reached, the Director may establish a directed fishing allowance for that species or species group. In establishing a directed fishing allowance, the Director shall consider the amount of that target species or species group that will be taken as incidental catch in directed fishing for other species in the same regulatory area or district. If the Director establishes a directed fishing allowance and that allowance is or will be reached, he will prohibit directed fishing for that species or species group in the specified regulatory area or district.

The amount of a species or species group apportioned to a fishery is TAC, as defined in § 672.20(c)(1). The 1991 TAC for shortraker-rougheye rockfish species group in the Central Regulatory Area of the Gulf of Alaska is 1,320 mt (56 FR 8723; March 1, 1991). The Director has determined that 816 mt of the shortraker-rougheye rockfish species

group is necessary as bycatch to support anticipated groundfish fisheries. The Director is establishing a directed fishing allowance of 504 mt for shortraker-rougheye rockfish in the Central Regulatory Area. He has determined that the allowance will be reached on April 15, 1991, and is prohibiting directed fishing for shortraker-rougheye rockfish in that area, effective 12 noon, A.l.t., April 15, 1991.

After 12 noon, A.l.t., April 15, 1991, in accordance with § 672.20(g)(3), amounts of shortraker-rougheye rockfish retained on board vessels in the Central Regulatory Area at any time during a trip must be less than 20 percent of the amount of all other fish species retained by the vessel at any time during the same trip as measured in rough weight equivalents. This closure will remain in effect for the remainder of the fishing year.

Classification

This action is taken under 50 CFR 672.20 and is in compliance with Executive Order 12291.

Immediate effectiveness of this notice is necessary to prevent wastage of groundfish that will occur if TACs are exceeded and retention of shortraker-rougheye rockfish is prohibited. Therefore, the Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment on this notice or to delay its effective date. However, interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.