

in both rulemakings. The request is reasonable; therefore, the extension will be granted.

**DATES:** Comments are due on October 24, 1994.

**ADDRESSES:** Participants must send an original and 10 copies of their comments referring to Ex Parte No. 346 (Sub-No. 36) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for hearing impaired: (202) 927-5721.]

Decided: September 9, 1994.

By the Commission, Vernon A. Williams, Acting Secretary.

Vernon A. Williams,  
Acting Secretary.

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BILLING CODE 7035-01-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

194-94

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List the Coral Pink Sand Dunes Tiger Beetle as Endangered and Designate Critical Habitat

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Coral Pink Sand Dunes tiger beetle (*Cicindela limbata albissima*) and designate critical habitat under the Endangered Species Act of 1973 as amended. The Service finds that the petition presents substantial information indicating that the requested action may be warranted.

**DATES:** The finding announced in this document was made on September 8, 1994. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by November 14, 1994.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Lincoln Plaza, Suite 404, 145 East 1300 South, Salt Lake City, Utah 84115. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**

John L. England (See ADDRESSES section), telephone: (801/524-5001).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and a notice regarding the finding is to be published promptly in the Federal Register. If the finding is that substantial information was presented, the Service also is required to promptly commence a review of the status of the species involved if one has not already been initiated by the Service. The Service initiated a status review for the Coral Pink Sand Dunes tiger beetle (*Cicindela limbata albissima*) when it categorized the species as a category 2 candidate species in the 1984 Invertebrate Notice of Review (49 FR 21664). This notice meets the requirement that a notice be published for a 90-day finding made earlier for the petition discussed below.

A petition, dated April 19, 1994, was submitted by Mr. Ken A. Rait on behalf of the Southern Utah Wilderness Alliance located in Salt Lake City, Utah, and was received by the Service on April 21, 1994. A letter acknowledging receipt of the petition was mailed to the petitioner on May 6, 1994. The petitioner requested the Service to list the Coral Pink Sand Dunes tiger beetle as endangered and to designate critical habitat. The petition was based on a recent report of the Coral Pink Sand Dunes tiger beetle's biology, population status, and threats (Knisley and Hill 1994).

The only known population of the Coral Pink Sand Dunes tiger beetle is at the Coral Pink Sand Dunes in Kane County in extreme southern Utah. Measurements of the Coral Pink Sand Dunes tiger beetle population has demonstrated an adult population of 2,000 to 2,400 individuals in early May. The adult population generally decreases during the summer with a minor increase beginning in late August. Overwintering adult populations may be, typically, as large as 300 individuals. The adult Coral Pink Sand Dunes tiger

beetle population experienced a severe population decline in late summer 1993 with a 1993-1994 overwintering adult population of less than 100 individuals (Knisley and Hill 1994).

##### Listing Factors

The following are the five listing criteria as set forth in section 4(a)(1) of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act and their applicability to the current status of the Coral Pink Sand Dunes tiger beetle.

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Off-road vehicle activity is destroying and degrading the species' habitat, especially the interdunal swales of the larval population.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Recreational off-road vehicle activity is causing direct mortality of individuals of the Coral Pink Sand Dunes tiger beetle, especially adults. The species has been heavily collected since its discovery and publication of the species description.

C. *Disease or predation.* There is no known threat.

D. *The inadequacy of existing regulatory mechanisms.* The Coral Pink Sand Dunes tiger beetle is not, currently, directly protected by any regulatory mechanism.

E. *Other natural or manmade factors affecting its continued existence.* The reason(s) for the 1993 population collapse is not fully known, but weather conditions reducing or retarding pupation and emergence of adults are thought to have contributed to this population collapse.

The Service has reviewed the petition, the literature cited in the petition, and other literature and information available in the Service's files. The distribution and population of the Coral Pink Sand Dunes tiger beetle is among the most restricted and smallest of any animal species. The species and its habitat are being adversely impacted by ongoing recreational off-road vehicle use. The species is vulnerable to exploitation by specimen collectors. Given the species extreme endemism and small population, the species existence is vulnerable to any localized stochastic event threatening its population.

On the basis of the best scientific and commercial information available, the Service finds the petition presents substantial information that listing this species may be warranted.

The Service's 90-day finding contains more detailed information regarding the

above decisions. A copy may be obtained from the Service's Salt Lake City Office (see ADDRESSES above).

#### Reference Cited

Kinsley, C.B. and J.M. Hill. 1994. Coral Pink Sand Dunes tiger beetle, *Cicindela limbata albissima* current status and biology. Unpublished Status Report on file with the U.S. Fish and Wildlife Service and Bureau of Land management. Salt Lake City, Utah. 36 pp.

#### Author

The primary author of this document is John L. England (see ADDRESSES section).

#### Authority

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

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: September 8, 1994.

**Mollie H. Beattie,**

*Director, Fish and Wildlife Service.*

[FR Doc. 94-22896 Filed 9-14-94; 8:45 am]

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#### 50 CFR Part 17

RIN 1018-AB73

#### Endangered and Threatened Wildlife and Plants; Proposed Determination of Endangered Status for the Alabama Sturgeon With Critical Habitat; Notice of Comment Period Extension

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of comment period extension.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposed endangered status for the Alabama sturgeon (*Scaphirhynchus suttkusi*) under the Endangered Species Act of 1973, as amended (Act), on June 15, 1993, and extended the deadline for a final decision until December 15, 1994. The present comment period ends September 15, 1994, and is extended an additional 30 days with this notice. The Service seeks additional comment on

only the scientific point of whether or not this sturgeon still exists.

**DATES:** All comments received by October 17, 1994, will be considered in the final decision.

**ADDRESSES:** All comments on this proposed rule should be sent to U.S. Fish and Wildlife Service, Asheville Field Office, 330 Ridgefield Court, Asheville, North Carolina 28806. The complete administrative file for this rule is available for inspection, by appointment, during normal business hours at this office.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard G. Biggins at the above Asheville address (704/665-1195; Ext. 228) or Mr. Robert S. Butler, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216 (904/232-2580).

#### SUPPLEMENTARY INFORMATION:

##### Background

In the June 15, 1993, *Federal Register* (58 FR 33148), the Service proposed a rule to list the Alabama sturgeon as endangered with critical habitat. Through associated notifications, interested parties were requested to submit factual reports and information that might contribute to the development of a final to list the Alabama sturgeon with critical habitat. There were several public comment periods, the last of which ended February 15, 1994.

Under Section 4 of the Act (16 U.S.C. 1533), the Fish and Wildlife Service (Service) has 1 year to finalize a proposed rule to list a species as endangered or threatened. Section 4(b)(6)(B), as implemented at 50 CFR 424.17(a)(iv), allows the Service to extend the deadline for a period of 6 months if there is substantial disagreement among scientists knowledgeable about the species concerned regarding the sufficiency or accuracy of the available data relevant to the determination or revision concerned.

On June 21, 1994 (59 FR 31970), the Service extended the deadline until December 15, 1994, because of the scientific uncertainty over whether the sturgeon still exists, and reopened the

comment period until September 15, 1994. In that notice, the Service determined for the purposes of the Act that *Scaphirhynchus suttkusi* warrants recognition as a valid species (59 FR 31972).

In an effort to obtain additional information from the scientific community on the existence of the sturgeon, the Service further extends the present comment period until October 17, 1994. This date allows approximately 8 weeks for Service to compile all new information and comments, review previous comments, and process the final decision document before publication by December 12, 1994. Besides this comment period for additional scientific information, the Service will be conducting further sampling surveys on portions of the Alabama River where sturgeon might remain; these will be made through early November 1994 or later as river conditions permit.

#### Public Comments

The Service is primarily seeking comments presenting scientific information on the issue of whether the species continues to exist, in particular, from the scientific community. Comments may also be made as to what information would be needed to substantiate the extinction of this species if the commenter believes this is still a question. All previous comments (orally at public hearings or written) submitted since June 15, 1993, will be considered in the final decision, which is due no later than December 15, 1994.

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: September 12, 1994.

**Mollie H. Beattie,**

*Director, Fish and Wildlife Service.*

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