

§ 32.4350 Net noncurrent deferred nonoperating income taxes.

(a) This account shall include the balance of income tax expense (Federal, state, and local) that has been deferred to later periods as a result of comprehensive interperiod allocation related to nonoperating temporary differences.

(g) The classification of deferred income taxes as current or noncurrent shall follow the classification of the asset or liability that gave rise to the deferred income tax. If there is no related asset or liability, classification shall be based on the expected turnaround of the temporary difference.

11. Section 32.4361 would be added to read as follows:

§ 32.4361 Deferred regulatory liability.

This account shall include amounts of probable future revenue reductions attributable to future decreases in taxes payable. As reductions occur, amounts recorded in this account shall be reduced with a debit entry and a credit entry to Account 4341, Net Deferred Tax Liability Adjustments.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-6096 Filed 3-17-93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

50 CFR Part 17

RIN 1018-AB75

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for a Florida Plant, *Jacquemontia Reclinata*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list the beach jacquemontia, *Jacquemontia reclinata*, as an endangered species pursuant to the Endangered Species Act of 1973 (Act), as amended. This vine is native to coastal barrier islands in southeast Florida from Miami northward to Palm Beach County. The vast majority of the habitat originally occupied by this species has been destroyed by urban development. This proposal, if made final, would implement the protection and recovery provisions afforded by the Act for

Jacquemontia reclinata. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by May 17, 1993. Public hearing requests must be received by May 3, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, suite 120, Jacksonville, Florida 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Michael M. Bentzien, Assistant Field Supervisor, at the above address (telephone: 904-791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:**Background**

Jacquemontia reclinata was described as a new species by Homer D. House based on specimens collected by John Kunkel Small and Joel J. Carter on "Bull Key, opposite Lemon City, in November, 1903" (Small 1905). Lemon City (also called Little Haiti) is in the City of Miami, on Biscayne Bay 3 miles north of downtown; Bull Key was located at northern Miami Beach. House's treatment of this as a distinct species was upheld by Robertson (1971). Although Small (1933) considered this plant's range to extend into the West Indies, Austin (1979) considers it endemic to the east coast of Florida.

Jacquemontia reclinata is a perennial vine whose stems are about 1 meter (3 feet) long and usually sprawl on the ground (i.e., are reclinate), though the stems may twine on other plants. The leaves are fleshy, with smooth margins and are elliptic to rounded egg-shaped, 1-3 centimeters (0.4-1 inch) long, with the leaf tips blunt or indented. Younger leaves and stems are pubescent enough to appear whitish. The flowers are in the axils of the leaves, in groups or solitary. The flower's outer sepals have tiny hairs along their margins—a character that separates this species from *Jacquemontia curtissii*. The white corolla is shaped like a broad funnel or is nearly flat, 2.5-3 centimeters (1-1.2 inches) in diameter, with five broad lobes. The fruit is a capsule. This is the only species of *Jacquemontia* found near the beaches of southeastern Florida (Austin 1979). The other species of *Jacquemontia* in southern Florida (exclusive of the Florida Keys) is *Jacquemontia curtissii*, which inhabits

pinelands and has hairless sepals and narrower leaves that are not fleshy. Two more species of *Jacquemontia* occur in the Florida Keys (Small 1933).

Jacquemontia reclinata is restricted to the barrier islands of the southeastern Florida coast. Information on its distribution has been assembled from the Florida Natural Areas Inventory (FNAI) database, a careful recent survey of Florida's coastal upland vegetation communities (Johnson et al. 1990), a subsequent survey by Daniel Austin (1991), and reports to the Florida Natural Area Inventory by Carol Lippincott (Fairchild Tropical Garden) and Theodore O. Hendrickson (Fort Lauderdale). A specimen identified as *Jacquemontia reclinata* from ten miles west of the town of Hobe Sound was collected in a cypress swamp; the specimen is probably *Stylisma villosa* (Austin 1991). Olga Lakela and others made numerous collections of this plant from Jupiter Island in Palm Beach and Martin Counties, but the species can no longer be relocated. Austin (1991) confirmed that local naturalists have not seen the plant on the island, which is largely manicured residential area, and that it is not known to occur at Blowing Rocks Preserve or at Hobe Sound National Wildlife Refuge. *Jacquemontia reclinata* was collected at South Coral Cove Park, Jupiter Island, Palm Beach County, in 1962 but was not relocated in 1990; the park had suffered severe beach erosion and had a large number of Australian pines (*Casuarina equisetifolia*) that could shade out native species (Johnson et al. 1990). *Jacquemontia reclinata* is presently known to occur at 11 sites, 10 of them publicly owned, in the following counties: Palm Beach (8 sites), Broward (2 sites), Dade (1 site). All but one of the sites are public parks or recreation areas operated by State, county, or local governments. The only site in private ownership is in Broward County, and had just one plant (Johnson et al. 1990; Austin 1991; T. Hendrickson, Fort Lauderdale, *in litt.* to Florida Natural Areas Inventory, 1991).

Jacquemontia reclinata is an inhabitant of disturbed or sunny areas in the tropical maritime hammock (hardwood forest) or the coastal strand vegetation, typically with sea grape (*Coccoloba uvifera*) and other shrubs and dwarfed trees. It usually occurs with more or less weedy plants such as Madagascar periwinkle (*Catharanthus roseus*) and sand spurs (*Cenchrus*). It occasionally occurs in the beach dune community with sea oats (*Uniola paniculata*) (Johnson et al. 1990; A. Johnson, FNAI, *in litt.*, 1990; Austin 1991; Lippincott 1990).

The possible historic role of hurricanes in opening up bare sites for *Jacquemontia reclinata* to colonize can be estimated from the effects of human-induced disturbances and the effects of the August 1992 hurricane (Andrew) at populations at Key Biscayne and the restored dunes at Miami beach. The remnants of South Florida's strand vegetation have been heavily affected by invading exotic plants, including Australian pine (*Casuarina equisetifolia*), carrotwood (*Colubrina asiatica*), and Brazilian pepper (*Schinus terebinthifolius*). Native understory plants generally do not persist beneath these invaders.

Jacquemontia reclinata has been successfully propagated from seed at Fairchild Tropical Garden and is thriving in cultivation at the Garden. It appears that reintroductions of this species can be conducted relatively easily, as shown by a pilot project in Dade County (C. Lippincott, Fairchild Tropical Garden, *in litt.*, 1990, 1991).

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to the Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) of its acceptance of the report as a petition in the context of section 4(c)(2) (now section 4(b)(3) of the Act, as amended, and of its intention to review the status of the plant taxa contained within. *Jacquemontia reclinata* was included in these documents as a threatened species. On December 15, 1980, the Service published a notice of review for plants (45 FR 82480), which included *Jacquemontia reclinata* as a category 1 candidate (a taxon for which the Service currently has on file substantial data on biological vulnerability and threats to support proposing to list it as an endangered or threatened species). A supplement to the notice of review published on November 28, 1983 (48 FR 53640) changed this species to a category 2 candidate (a taxon for which data in the Service's possession indicates listing is possibly appropriate); the species retained category 2 status in a notices of review published September 27, 1985 (50 FR 39526) and February 21, 1990 (55 FR 6184).

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all

petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Jacquemontia reclinata* because the Service had accepted the 1975 Smithsonian report as a petition. In each October from 1983 through 1989, the Service found that the petitioned listing of this species was warranted but precluded by other listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. Publication of this proposal constitutes the final petition finding.

Summary of Factors Affecting the Species

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 set forth the procedures for adding species to the Federal lists. 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 *Jacquemontia reclinata* House (beach jacquemontia) are as follows:

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

The barrier islands of the Florida east coast in the range of *Jacquemontia reclinata* from Jupiter Island to Key Biscayne (a distance of 85 miles) are entirely urbanized, except for a few small parks and private estates. Johnson et al. (1990) inventoried all tracts of coastal vegetation of 10 or more acres in southeast Florida. They found only 24 such tracts in the known range of *Jacquemontia reclinata*, 5 of them entirely or mostly in private ownership. These tracts have approximately 214 acres of beach strand vegetation in public ownership, 26 acres in private ownership, as well as 66 acres of maritime hammock, all in public ownership. The beach strand and maritime hammock vegetation is the primary habitat of *Jacquemontia reclinata*; the destruction of the vast majority of this habitat and modifications to the remnants (for parking lots, pedestrian routes, picnic areas, and other park uses) as well as loss to beach erosion at some sites (Johnson et al. 1990, Pilkey et al. 1984) seriously threatens the continued existence of the species.

Habitat degradation due to invasion of exotic plant species, including Australian pine, Brazilian pepper, and carrotwood has adversely affected

Jacquemontia reclinata. A site in northern Palm Beach County is being overgrown by Brazilian pepper; another *Jacquemontia* colony was nearly destroyed between 1970 and 1991 by the expansion of a large stand of carrotwood (Austin 1991). Mowing, possible herbicide use, and other park maintenance practices also threaten *Jacquemontia reclinata*, especially because it occurs with weedy herbaceous plants and grasses.

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

None known.

C. Disease or Predation

Not applicable.

D. The Inadequacy of Existing Regulatory Mechanisms

Jacquemontia reclinata is listed as an endangered species under the Preservation of Native Flora of Florida law (section 581.185-187, Florida Statutes), which regulates taking, transport, and sale of plants but does not provide habitat protection. The Endangered Species Act will provide additional protection through sections 7 and 9, recovery planning, and the Act's additional penalties for taking of plants in violation of Florida law.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The limited geographic distribution, the fragmentation of remaining habitat into small segments isolated from each other, and the small sizes of *Jacquemontia reclinata* populations make it doubtful that any of the existing populations are viable (for an example of a population viability analysis for a plant, see Menges (1990)). Typically, only a few *Jacquemontia* plants are present at a given site (Johnson et al. 1990; D. Austin, Florida Atlantic Univ., pers. comm., 1991). As a result, germplasm conservation (seed storage or a garden population) appears essential. Additionally, the southeast Florida coast is subject to frequent hurricanes.

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 the rule. Based on this evaluation, the preferred action is to list *Jacquemontia reclinata* as an endangered species. As discussed under Factor E, this species is likely to become extinct throughout its range within the foreseeable future, exceeding the Act's requirements for listing as an endangered species.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species. All of the populations of *Jacquemontia reclinata* are very small and localized, typically only several plants. All but one are in public parks. If critical habitat were designated, it would need to be described in great detail, specifying exact locations of populations so as to exclude park facilities and vegetation unsuited to this species. Although Federal listing as endangered would provide penalties in addition to those provided in Florida law against unauthorized removal of *Jacquemontia reclinata* plants from parks, such prohibitions against take are difficult to enforce, and publication of critical habitat descriptions and maps would only add to the threats faced by this species.

Designation of critical habitat could help focus the attention of park managers and other county or local authorities to the importance of conserving habitat for this plant in parks, but experience with endangered plants such as *Amorpha crenulata* (crenulate lead-plant) in Dade County and *Asimina tetramera* (four-petal pawpaw) in Palm Beach County shows that park managers are responsive to the needs of endangered plants without critical habitat being designated. One park in Palm Beach County has Florida scrub jays (threatened), *Asimina tetramera* (endangered), and *Jacquemontia reclinata*; the two listed species appear to be effectively protected without designation of critical habitat.

Because *Jacquemontia reclinata* occurs primarily in public parks, the Fish and Wildlife Service will work directly with park managers and other public officials to ensure the conservation of this species. In addition, the Coastal Barrier Resource System (designated pursuant to the Coastal Barrier Resources Act, Pub. L. 97-348) protects the only privately owned, otherwise unprotected tract known to be inhabited by *Jacquemontia reclinata*. Protection of this species' habitat will be addressed through the recovery process and through the Section 7 consultation process. The existing protection provided for *Jacquemontia reclinata* habitat, combined with the potential for problems with take, leads to the conclusion that designating critical

habitat for this plant would provide no benefit to the plant beyond listing, and might increase threats to it. For this reason, the Service considers designation of critical habitat not to be prudent.

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. 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 pay 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)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, 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.

The populations of *Jacquemontia reclinata* on public lands in its range will require careful management and a carefully managed program of propagation, germplasm conservation and augmentation of existing populations. Fairchild Tropical Garden and the Center for Plant Conservation have begun such a program. Control or extirpation of exotic pest plants such as Australian pine and Brazilian pepper may be necessary to protect existing populations of *Jacquemontia reclinata* or to restore former habitat.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62 and 17.63 for endangered plants, set forth a series of general prohibitions and exceptions for all endangered plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, 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 a commercial activity, sell or offer for sale listed species in interstate or foreign commerce, or to remove and reduce to possession these species from areas under Federal jurisdiction. 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 State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is anticipated that few trade permits will be sought or issued because *Jacquemontia reclinata* is currently not sold or traded across state lines. Sale or distribution of cultivated specimens within Florida does not require a Federal permit. Intrastate trade could eventually occur, however; this species is desirable for use in oceanfront parks and may be used in oceanfront landscaping. 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 VA 22203 (703/358-2104).

Public Comments Solicited

The Service intends that any final rule resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;
- (2) The location of any additional populations of this species and the

reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the ranges, distributions, and population sizes of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Jacksonville, Florida, Field Office (see ADDRESSES section).

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

Austin, D.F. 1979. Beach *Jacquemontia*, *Jacquemontia reclinata*. P. 36 in Rare and endangered biota of Florida, vol. 5: plants. D.B. Ward, ed. University Presses of Florida. xxix + 175 pp.

Austin, D.F. 1991. Status report on *Jacquemontia reclinata* in Florida. Manuscript report to Florida Natural Areas Inventory. Unpaged.

Johnson, A.F., J.W. Muller, and K.A. Bettinger. 1990. An assessment of Florida's remaining coastal upland natural communities: southeast Florida. Report to Florida Natural Areas Inventory, Tallahassee. Unpaged.

Lippincott, C.S. 1990. Status report on *Jacquemontia reclinata* at Hugh Taylor Birch State Recreation Area, Broward County, Florida. Report to Florida Natural Areas Inventory, Tallahassee. Unpaged.

Menges, E.S. 1990. Population viability analysis for an endangered plant. *Conservation Biology* 4:52-62.

Pilkey, O.H., Jr., D.C. Sharma, H.R. Wanless, L.J. Doyle, O.H. Pilkey, Sr., W.J. Neal, and B.L. Gruver. 1984. Living with the east Florida shore. Duke Univ. Press, Durham NC. xv + 259 pp.

Robertson, K.R. 1971. A revision of the genus *Jacquemontia* (Convolvulaceae) in North and Central America and the West Indies. Ph.D. Dissertation, Washington University, St. Louis, MO. 285 pp.

Small, J.K. 1905. Additions to the flora of subtropical Florida. *Bull. New York Bot. Garden* 3:419-440.

Small, J.K. 1933. Manual of the Southeastern flora. Univ. of North Carolina Press, Chapel Hill. 1554 pp.

Author

The primary author of this proposed rule is Mr. David Martin (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

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. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Convolvulaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When
Scientific name	Common name			
Convolvulaceae—Morning-glory family:				
<i>Jacquemontia reclinata</i>	Beach jacquemontia	U.S.A. (FL)	E	

14542
and, if the
on the

Dated: March 3, 1993.
Richard N. Smith,
Acting Director, Fish and Wildlife Service.
[FR Doc. 93-6305 Filed 3-17-93; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 17

RIN 1018-AB-75

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant *Auerodendron pauciflorum*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Auerodendron pauciflorum* (no common name) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. This evergreen shrub is endemic to Puerto Rico, where only 10 individuals are known to exist in the limestone hills of Isabela in the northwestern part of the island. The primary threat to the species is habitat destruction from development. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for *Auerodendron pauciflorum*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by May 17, 1993. Public hearing requests must be received by May 3, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, during normal business hours at this office, and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851-7297).

SUPPLEMENTARY INFORMATION:

Background

Auerodendron pauciflorum was first discovered by Mr. Roy Woodbury in 1976 in the limestone hills of Isabela and northwestern Puerto Rico. It was later described by Alain Liogier in 1982. This was also the first record of this genus in Puerto Rico.

Auerodendron pauciflorum is an evergreen shrub or small tree which may reach up to 5 meters in height. The leaves are opposite or subopposite, ovate to ovate-elliptic, 6 to 15 centimeters long and 3.5 to 6 centimeters wide, glabrous, and with minute black glandular dots. Paired ovate-triangular, ciliate stipules, 1.5 millimeters long, are present at the base of the petiole. Two to three flowers are borne in the leaf axils. The peduncles vary from 5 to 7 millimeters in length and the pedicels from 6 to 7 millimeters in length. The calyx tube is broadly campanulate, 2 millimeters long and 3 millimeters wide. The fruit is unknown at the present time (Proctor 1991).

Auerodendron pauciflorum is restricted to the semi-evergreen forests (subtropical moist forest life zone) of the limestone hills of Isabela in northwestern Puerto Rico at elevations of less than 100 meters. Only ten individual plants are known from the edges of these limestone cliffs (Proctor 1991). Hills in the area of the known populations were destroyed for the construction of the existing Highway 2. The area is privately owned and presently under intense development pressure for rural, urban and tourist development. The construction of a resort development, including 7 hotels, 5 golf courses, 36 tennis courts and 1,300 housing units is proposed for the area.

Auerodendron pauciflorum was recommended for listing by Dr. George Proctor and Dr. Alain Liogier during a September 1988 meeting concerning the revision of the candidate plant species list in Puerto Rico and the U.S. Virgin Islands. It was subsequently included as a Category 1 species (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or

threatened) in the February 2, 1993 (FR 6184) notice of review.

Summary of Factors Affecting Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531) and regulations (50 CFR part 424) promulgated to implement the provisions of the Act set forth the procedures for adding species to the Federal lists. 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 *Auerodendron pauciflorum* are as follows:

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

Auerodendron pauciflorum grows on privately owned land currently subject to intense pressure for urban and tourist development. Some of this area were destroyed for the construction of Highway 2. A resort complex is currently planned for the area. Limestone hills are continuously being leveled for the production of construction materials. These factors, as well as ranching and the harvesting of yams, have apparently contributed to the decline of the species and continue to threaten remaining individuals.

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.

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 provides protection for certain Commonwealth listed species. *Auerodendron pauciflorum* is not on the Commonwealth list. Federal action would provide immediate protection

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Convolvulaceae—Morning-glory family:						
<i>Jacquemontia reclinata</i>	Beach jacquemontia	U.S.A. (FL)	E		NA	NA

Dated: March 3, 1993.
 Richard N. Smith,
 Acting Director, Fish and Wildlife Service.
 [FR Doc. 93-6305 Filed 3-17-93; 8:45 am]
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50 CFR Part 17

RIN 1018-AB-75

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FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851-7297).

SUPPLEMENTARY INFORMATION:

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Summary of Factors Affecting the Species

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 set forth the procedures for adding species to the Federal lists. 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 *Auerodendron pauciflorum* Alain are as follows:

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

Auerodendron pauciflorum is found on privately owned land currently subject to intense pressure for rural, urban and tourist development. Hills in this area were destroyed for the construction of Highway 2. A large resort complex is currently proposed for the area. Limestone hills are continuously being leveled for the production of construction material. These factors, as well as random cutting and the harvesting of yams, have apparently contributed to the decline of the species and continue to threaten the remaining individuals.

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.

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, *Auerodendron pauciflorum* is not yet on the Commonwealth list. Federal listing would provide immediate protection

Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

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

Liogier, A. 1982. *Auerodendron pauciflorum* Alain. *Phytologia* 50(3):164-166.

Proctor, G. R. 1991. Status report on *Auerodendron pauciflorum* Alain. Unpublished status report submitted to the U.S. Fish and Wildlife Service, Boquerón, Puerto Rico. 8 pp.

Author

The primary author of this proposed rule is Ms. Susan Silander, 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.

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter

I, title 50 of the Code of Federal Regulations, 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. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Rhamnaceae, 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					
Rhamnaceae—						
Buckthorn family:						
<i>Auerodendron pauciflorum</i>	None	U.S.A. (PR)	E		NA	NA

Dated: March 3, 1993.
Richard N. Smith,
Acting Director, Fish and Wildlife Service.
[FR Doc. 93-6304 Filed 3-17-93; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 930229-3029]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.
ACTION: Proposed rule; request for comments.

SUMMARY: The Secretary of Commerce (Secretary) requests public comments on a proposed rule and on several alternatives to that rule (see "Other options" below). The proposed rule would establish a procedure for annually allocating the U.S. Pacific whiting harvest guideline or quota between fishing vessels that (1) either catch and process at sea or catch and deliver to at-sea processors, and (2)

deliver to processors located on shore. The rule also would provide a process to redistribute to the at-sea processing sector any amounts of the initial shoreside allocation that is determined not to be needed by the shoreside sector. Under this rule, the 1993 Pacific whiting harvest guideline of 142,000 metric tons (mt) would be allocated by initially limiting to 52,400 mt the amount of Pacific whiting that can be processed at sea in the Exclusive Economic Zone (EEZ). The remainder of the harvest guideline, 89,600 mt, initially would be available for shoreside processing. In the opinion of the Pacific Fishery Management Council (Council), this action would promote the goals and objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by preserving historical harvesting opportunities for fishing vessels that do not process, by preventing preemption of shoreside processing operations by at-sea processors, and by contributing to the stabilization of the economic climate for shoreside processing of whiting by providing reasonable certainty of processing a substantial portion of the allowable harvest regardless of its size.

DATES: Comments are invited until April 1, 1993.

ADDRESSES: Comments may be mailed to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or E. Gary Matlock, Acting Director, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd., suite 4200, Long Beach, CA 90802-4213. Information relevant to this proposed rule has been compiled in aggregate form and is available for public review during business hours at the Office of the NMFS Northwest Regional Director. Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) can be obtained from the Pacific Fishery Management Council, 2000 SW First Avenue, suite 420, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, or Rodney R. McInnis at 310-980-4030.

SUPPLEMENTARY INFORMATION:

Proposed Rule

NOAA is issuing a proposed rule based on a recommendation of the