

*F. Federal Rules that Overlap, Duplicate, or Conflict With the Proposed Rules*

57. None.

**Ordering Clauses**

58. *Accordingly, it is ordered*, that pursuant to the authority contained in sections 4(i), 4(j), 303, 308, 309 and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303, 308, 309 and 310, this Notice of Proposed Rule Making and Order is adopted.

**List of Subjects**

47 CFR Part 73

Radio, reporting and recordkeeping requirements.

47 CFR Part 74

Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

RIN 1018-AC09

**Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period on the Proposed Endangered Status and Notice of Availability of the Draft Conservation Agreement for Review and Comment for *Pediocactus winkleri* (Winkler cactus) in Central Utah**

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The Fish and Wildlife Service provides notice that the comment period is reopened on a proposal to list *Pediocactus winkleri* (Winkler cactus) as endangered, pursuant to the Endangered Species Act of 1973 (Act), as amended. The Service is reopening the comment period on this proposal and any new information. In addition, the Service announces the availability of a draft conservation agreement for *Pediocactus winkleri*, also for public comment. This conservation agreement is accessible on the internet at [www.blm.gov\utah](http://www.blm.gov\utah).

**DATES:** The comment period on this proposal and draft conservation

agreement is extended until July 22, 1998.

**ADDRESSES:** Written comments and materials concerning the proposal and draft conservation agreement 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. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** John L. England at the above address (telephone 801/524-5001).

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 6, 1993, the Service proposed to add *Pediocactus winkleri* (Winkler cactus) to the list of endangered and threatened plants (58 FR 52059). At that time *Pediocactus winkleri* was known from six populations with a total population of about 3,500 plants with a range in central Utah from near Notom in central Wayne County to near Fremont Junction in southwestern Emery County.

Since the closing of the comment period on December 6, 1993, an additional population has been discovered near Ferron in western Emery County, Utah. In addition, additional plants have been documented within previously known populations. While the documented numbers of the species have increased little over the 1993 estimates, the Service now estimates that the population may number up to 10,000 plants (Fish and Wildlife Service 1994, 1997). The Bureau of Land Management and the National Park Service initiated a comprehensive inventory of the species within its potential habitat in the spring of 1998.

The Species continues to be exploited by cactus collectors. In 1984, the Service established a population monitoring transect for *P. winkleri* in an easily accessible area that cactus collectors frequent (Fish and Wildlife Service 1994, 1997). The Service has periodically monitored this transect, usually at 2-year intervals. The *P. winkleri* population along this transect declined from 53 plants 1984 to zero plants in 1997. The Notom population's estimated size has declined from about 2,000 individuals in 1984 (Heil 1984) to an estimated 700 individuals in 1997 (Fish and Wildlife Service 1997). The Service during its 1997 survey of the Notom population discovered several shovel marks within the occupied habitat of this species. These marks

were at the locations of plants last observed in 1994 and missing in 1997. Threats to species and its habitat, from off-highway vehicles, mining and quarrying, oil and gas drilling, and livestock trampling, continue with varying significance throughout the species range (Fish and Wildlife Service 1997).

A moratorium on listing actions (Public Law 104-6) took effect April 10, 1996, and prevented the Service from making a final decision on this proposal by the August 1995 administrative deadline. The moratorium was lifted on April 26, 1996, when the appropriation for the Department of the Interior for the remainder of fiscal year 1996 was enacted into law. In a **Federal Register** document published on May 16, 1996 (61 FR 24722), the Service outline in detail the history of the moratorium and indicated the priorities it would follow in eliminating the listing program backlog resulting from the moratorium. Preparation of the final rule for this proposed species is considered a Tier 2 priority—processing final decisions on proposed listings. For more information on the moratorium and the priority for backlog listing actions, refer to the May 16, 1996, **Federal Register** notice.

The Service does not believe that the new distributional and population information has changed the status of the species. However, we are reopening the comment period on the proposed rule to solicit comments on this new information and request any additional information on scientific studies conducted since the comment period last closed on December 6, 1993.

The Draft Conservation Agreement was developed by the Bureau of Land Management, in coordination with the Park Service, Forest Service, and the Service. The agreement focuses on identifying, reducing and eliminating significant threats to *Pediocactus winkleri* (and *P. Despainii*, a listed species) that warrant its candidate status, and on enhancing and maintaining the species population to ensure its long term conservation. The Service also is seeking comments on the adequacy of the proposed conservation agreement and whether or not the agreement will satisfactorily provide for the species conservation independent of the Endangered Species Act. The Service hereby announces reopening of the comment period until July 22, 1998.

**References Cited**

Heil, K.D. 1984. Status report on *Pediocactus winkleri*. U.S. Fish and Wildlife Service, Denver, Colorado. 14 pp.

U.S. Fish and Wildlife Service. 1994.  
*Pediocactus winkleri* status report  
supplement. Salt Lake City, Utah. 12 pp.

U.S. Fish and Wildlife Service. 1997.  
*Pediocactus winkleri* status report  
supplement 2. Salt Lake City, Utah. 11  
pp. + append.

Author: The primary author of this  
notice is John L. England (see  
**ADDRESSES** above).

**Authority.**

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

Dated: June 15, 1998.  
**Terry T. Terrell,**  
*Deputy Regional Director, Fish and Wildlife  
Service.*  
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