References Cited

A complete list of all references cited in the 90-day finding is available upon request (see ADDRESSES section).

Authors

The primary author of this document is John Lindell, of the Juneau, Alaska Ecological Services Office. (See ADDRESSES section).

List of Subjects in 50 CFR part 17

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

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.); unless otherwise noted.


Bruce Blanchard,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 94-21078 Filed 8-25-94; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Extension of Comment Period on Data Pertaining to the Subspecies Taxonomy of the California Gnatcatcher

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on the data pertaining to the subspecies taxonomy of the California gnatcatcher is extended. The notice of availability opening the public comment period was published on June 2, 1994 (59 FR 28508) and opened the comment period until August 1, 1994. On July 28, 1994, the Service extended the comment period to August 31, 1994 (59 FR 38424). This notice extends the comment period until October 31, 1994.

DATES: Comments and materials must be received by October 31, 1994.

ADDRESSES: Copies of the subject data are available from the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials concerning these data should be submitted to the above address.

FOR FURTHER INFORMATION CONTACT:

Gail Kobetich, Field Supervisor, at the address listed above (telephone 619/431-9440, facsimile 619/431-9624).

SUPPLEMENTARY INFORMATION:

Background

On March 30, 1993, the U.S. Fish and Wildlife Service (Service) published a final rule in the Federal Register determining the coastal California gnatcatcher to be a threatened species (58 FR 16741). In its decision to list the gnatcatcher, the Service relied, in part, on taxonomic studies conducted by Dr. Jonathan Atwood of the Manomet Bird Observatory, Manomet, Massachusetts. As is the standard practice in the scientific community, the Service did not request, nor was it offered, the data collected and used by Dr. Atwood in reaching his conclusions. Instead, the Service depended upon the conclusions published by Dr. Atwood in a peer-reviewed scientific article on the subspecific taxonomy of the California gnatcatcher (Atwood 1991).

In response to a suit filed by the endangered Species Committee of the Building Industry Association of Southern California and the other plaintiffs, the United States District Court of the District of Columbia vacated the listing of the coastal California gnatcatcher because the Service did not make available Atwood's data for public review and comment. In response to the court decision, Dr. Atwood released his data to the Service, which the agency made available to the public for review and comment on June 2, 1994. On June 16, 1994, the court reinstated threatened status for the coastal California gnatcatcher until the Secretary of the Interior determines in a finding whether the listing should be revised or revoked in light of his review of the subject data and public comments received during the comment period. As a result of the court order of July 27, 1994, the Secretary must publish this finding in the Federal Register by December 31, 1994.

On July 1, 1994, the plaintiffs requested a 100-day extension in the comment period. Because the Secretary had no objection to a 30-day extension, both parties agreed to an extension in the comment period to August 31, 1994, which the Service published in the Federal Register on July 28, 1994 (59 FR 38424). On July 27, 1994, the court ordered the comment period extended to October 31, 1994.
References Cited

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

List of Subjects in 50 CFR Part 17
- Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Thomas J. Dwyer,
Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.
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