OFF-ROAD VEHICLE DESIGNATIONS FOR THE PINEDALE RESOURCE AREA

Name of area	Type of designation	Season/Dates of restriction	Acres	Resource being protected
Scab Creek Area	Closed	Year Round	7,636	Solitude, naturalness
Rock Creek ACEC	Closed	Year Round	4,200	Wildlife, watershed
Holden Hill	Closed	Year Round	120	Cultural
Bench Corral Feedground	Limited to authorized personnel only	11/15–4/30	42,230	Wildlife
Fall Creek Feedground	Limited to authorized personnel only	11/15–4/30	714	Wildlife
Finnegan Feedground	Limited to authorized personnel only	11/15–4/30	2,698	Wildlife
Franz Feedground	Limited to authorized personnel only	11/15–4/30	1,160	Wildlife
North Piney Feedground	Limited to authorized personnel only	11/15–4/30	2,519	Wildlife
Scab Creek Feedground	Limited to authorized personnel only	11/15–4/30	1,870	Wildlife
Miller Mountain	Limited	11/15–4/30	118,543	Wildlife
Deer and Antelope Winter Range	Limited	11/15–4/30 as needed.	158,600	Wildlife
Mount Airy Proposed Open Area	Open	Year Round	8,178	Recreation
Big Piney Proposed Open Area	Open	Year Round	1,600	Recreation
Desert General Use Area	Open to general ORV uses	Year Round	224,850	All
Remainder of Resource Area	Limited to existing roads and trails	Year Round	357,662	All
Total Acres			931,000	
Soda Lake Road	Limited	4/15–5/9 as needed.	2.0	Wildlife, watershed
Irish Canyon Road	Limted	4/1–6/30 as needed.	6.5	Watershed, recreation
Total Miles			8.5	

February 15, 1989.

Ray **Brubaker,**

State Director, Wyoming.

[FR Doc. 89–4358 Filed 2–23–89; 8:45 am]

BILLING CODE 4310–22–M

[NM–940–09–4214–11; NM NM 46831]

Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that the withdrawal for the Gallinas Administrative Site continue for an additional 20 years. The land would remain closed to location and entry under the United States mining laws. The land will remain open to all uses other than the mining laws.

EFFECTIVE DATE: Comments should be received by May 25, 1989.

ADDRESS: Comments should be sent to: New Mexico State Director, BLM, P.O. Box 1449, Santa Fe, New Mexico 87504–1449.

FOR FURTHER INFORMATION CONTACT: Clarence Hougland, BLM, New Mexico State Office, (505) 988–6545.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture, Forest Service, proposes that the existing land withdrawal made by Secretarial Order dated April 1, 1907, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

New Mexico Principal Meridian Santa Fe National Forest Gallinas Administrative Site

T. 17 N., R. 14 E.,
sec. 14: NE¼SE¼.
The area described contains 40.00 acres in San Miguel County.

The withdrawal is essential for protection of substantial capital improvements on the Gallinas Administrative Site, Las Vegas Ranger District. The withdrawal closed the described land to location and entry under the United States mining laws, but not to all uses other than the mining laws. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be publisned in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dennis R. Erhart,

Acting State Director.

Dated: February 14, 1989.

[FR Doc. 89–4252 Filed 2–23–89; 8:45 am]

BILLING CODE 4310–FB–M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management, Paperwork Reduction Project (1032–0113), Washington, DC 20503, telephone 202–395–7340.

Title: Helium Distribution Contracts.

OMB Approval Number: 1032–0113

Abstract: Respondents supply information which will be used by the Bureau of Mines Division of Helium Field Operations to (a) determine legitimacy of applicants for distribution

contracts, (b) establish accountability of helium transfer between distributors, and (c) report annual sales, transfers, and purchases of Bureau helium as certification on compliance with 30 CFR Part 602. The Bureau will use information supplied on the three forms as described to implement and manage and effective helium distribution system in accordance with 30 CFR Part 602.

Bureau Form Number: 6–1575–A, 6–1580–A, and 6–1581–A

Frequency: Annually

Description of Respondents: Industrial gas suppliers who elect to distribute Bureau of Mines helium

Estimated Completion Time: 30 minutes

Annual Responses: 48

Annual Burden Hours: 24

Bureau clearance officer: James T. Hereford, 202–634–1125.

T S Ary,

Director, Bureau of Mines.

February 7, 1989.

[FR Doc. 89–4215 Filed 2–23–89; 8:45 am]

BILLING CODE 4310–53–M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1032–0111) Washington, DC 20503, telephone 202–395–7340.

Title: Helium Purchase Contract Application.

OMB Appraisal Number: 1032–0111

Abstract: This application is a form which requires the company name, address, and amount of original volume of helium desired on initial order with amount of cash advance required. Part 601 of 30 CFR gives information in regard to address and telephone number for securing the forms.

Bureau Form Number: 6–1584–X

Frequency: Occasional

Description of Respondents: Purchasers of Government Helium

Estimated Completion Time: 15 minutes

Annual Responses: 19

Annual Burden Hours: 5

Bureau clearance officer: James T. Hereford, 202–634–1125

February 7, 1989.

T S Ary,

Director, Bureau of Mines.

[FR Doc. 89–4276 Filed 2–23–89; 8:45 am]

BILLING CODE 4310–53–M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau of clearance officer and to the Office of Management and Budget Paperwork Reduction Project (1032–0112), Washington, DC 20503, telephone 202–395–7340.

Title: Gas Well Data—Survey of Helium-Bearing Natural Gas.

OMB Approval Number: 1032–0112.

Abstract: Respondents supply information which will be used by the Bureau of Mines Division of Helium Field Operations, to evaluate the helium resources of the United States. This evaluation helps assure a continued supply of the valuable natural resource to meet essential Government needs. Results of the gas analyses, along with the data supplied, are published to provide valuable information to industry and to the public when those data are released by the supplier.

Bureau Form Number: 6–1579–A.

Frequency: Annually.

Description of Respondents: Owners and operators of helium-bearing natural gas wells and transmission lines.

Estimated Completion Time: 15 minutes.

Annual Responses: 200.

Annual Burden Hours: 50.

Bureau clearance officer: James T. Hereford, 202–634–1125.

February 7, 1989.

T S Ary,

Director, Bureau of Mines.

[FR Doc. 89–4277 Filed 22–23–89; 8:45 am]

BILLING CODE 4310–53–M

Fish and Wildlife Service

Petition by World Wildlife Fund To Impose a Moratorium on the Import of African Elephant Ivory From the Democratic Republic of Somalia and Moratorium on Ivory Imports From Somalia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Effective immediately, the United States establishes a moratorium on the importation of ivory from the Democratic Republic of Somalia. A similar moratorium will be applied to any country accepting ivory from Somalia. Simultaneously, the U.S. Fish and Wildlife Service is requesting comments from all interested parties on a petition received from the World Wildlife Fund dated January 6, 1989, requesting that a moratorium be placed on the import of African elephant ivory from the Democratic Republic of Somalia. The Service also requests comments on whether it should suspend the moratorium established with this notice.

DATE: The ban is effective immediately February 17, 1989. Comments on the petition must be received on or before April 25, 1989.

ADDRESSES: Comments and materials concerning this notice should be mailed to the Office of Management Authority, Arlington Square, 4th Floor, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240. Comments and materials may be delivered directly to Room 3024, Main Interior Department Building, 18th and C Streets, NW., Washington, DC between the hours 8:00 AM and 4:00 PM, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Marshall P. Jones, Chief, Office of Management Authority, at the above address, telephone (202) 343–4968 until 10 March 1989, or (202) 343–4646 after that date.

SUPPLEMENTARY INFORMATION: On October 7, 1988, the President signed into law the African Elephant Conservation Act (Act), the purpose of which is to "perpetuate healthy populations of African elephants." (16 U.S.C. 4201–4245). The authority of the Act supplements that already provided in the Endangered Species Act of 1973 (ESA). Since May 12, 1978, the African elephant has been listed as a threatened species under the ESA, and has been subject to protective regulations promulgated pursuant to section 4(d) of the ESA (16 U.S.C. 1533(d)) that further

the conservation of the African elephant. See 50 CFR 17.40(e).

On January 6, 1989, the World Wildlife Fund (WWF) submitted a written petition pursuant to section 2202(d) of the Act asking the Fish and Wildlife Service (Service) to establish a moratorium on African elephant ivory imports from the Democratic Republic of Somalia. A copy of the Summary and Conclusion section of the petition is included as an Appendix of this notice. A copy of the complete petition may be inspected at the Office of Management Authority at the address noted above under **ADDRESSES.**

Background

Section 2202(d)(2) requires the Service to publish a notice of receipt of such a petition in the **Federal Register**, to provide an opportunity for public comment, and to issue a decision on the petition no later than 90 days after the close of the comment period. The decision on whether to establish a moratorium requested in a petition must be made according to sections 2202(a)(1) and 2201(b)(1) for ivory producing countries or section 2202(b) for intermediary countries.

Independent of the duty to decide on section 2202(d) petitions, the Service is required by sections 2202(a)(1) and 2202(b) to establish a moratorium on the import of ivory from an ivory producing or intermediary country immediately whenever the Service finds the country has failed to meet the appropriate criteria.

Pursuant to section 2202(a)(1), the Service must establish a moratorium on imports of ivory from an ivory producing country that fails to meet the criteria set forth in section 2201(b)(1):

(A) The country is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and adheres to the CITES Ivory Control System.

(B) The country's elephant conservation program is based on the best available information, and the country is making expeditious progress in compiling information on the elephant habitat condition and carrying capacity, total population and population trends, and the annual reproduction and mortality of the elephant populations within the country.

(C) The taking of elephants in the country is effectively controlled and monitored.

(D) The country's ivory quota is determined on the basis of information referred to in subparagraph (B) and reflects the amount of ivory which is confiscated or consumed domestically by the country.

(E) The country has not authorized or allowed the export of amounts of raw ivory which exceed its ivory quota under the CITES Ivory Control System.

Pursuant to section 2202(b), the Service must establish a moratorium on imports of ivory from an intermediary country that meets any of the following criteria:

(1) Is not a party to CITES;

(2) Does not adhere to the CITES Ivory Control System;

(3) Imports raw ivory from a country that is not an ivory producing country;

(4) Imports raw or worked ivory from a country that is not a party to CITES;

(5) Imports raw or worked ivory that originates in an ivory producing country in violation of the laws of that ivory producing country;

(6) Substantially increases its imports of raw or worked ivory from a country that is subject to a moratorium under this title during the first three months of that moratorium; or

(7) Imports raw or worked ivory from a country that is subject to a moratorium under this title after the first three months of that moratorium, unless the ivory is imported by vessel during the first six months of that moratorium and is accompanied by shipping documents which show that it was exported before the establishment of the moratorium.

Section 2202(f) of the Act provides that ivory confiscated by an ivory producing or intermediary country and disposed of pursuant to the CITES Ivory Control System shall not be the sole grounds for establishment of a moratorium, provided that all proceeds from the sale of the confiscated ivory are used to enhance wildlife conservation or the conservation purposes of CITES.

The World Wildlife Fund Petition

In June 1988, Somalia established an ivory export quota of 5,000 tusks under the Ivory Control System administered by the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In November 1988, Somalia increased its quota to 8,000 tusks. Somalia has stated that all of the ivory was confiscated.

The Service's records indicate that approximated 290 shipments of ivory originating in Somalia entered the United States during 1987 and 1988. The vast majority of these shipments were imports of worked ivory exported by Hong Kong. The declared value of these shipments approximately $2,400,000.

WWF's petition shows that Somalia has sold and exported over 21,000 tusks in the last three years and has declared that all of these tusks were confiscated and of Somalian origin. This number of tusks correlates with approximately 13,800 elephants. The petition attaches a copy of Somalia's 1986 annual CITES report, which declares that 16,986 tusks were exported that year, representing about 9,440 elephants. The best population estimates, however, indicate that Somalia's elephant population was no greater than 4,500 elephants in 1987, and was no higher than 8,600 in 1985.

The WWF petition presents information indicating that a large percentage of these tusks must have been poached in either Kenya or Ethiopia, two countries that share a border with Somalia. The information includes a copy of a letter dated March 19, 1987, and signed by President Barre of Somalia that appears to authorize the import into Somalia of ivory tusks from Kenya and Ethiopia. Kenya, which is a party to CITES, prohibits all hunting of elephants and all private commerce in ivory. Ethiopia, which is not a party to CITES, prohibits the taking of elephants except for a limited number of sport hunting licenses issued each year.

Based on this information, which is discussed in greater detail in the Summary and Conclusion of the petition which is appended to this notice and in the complete petition on file at the Office of Management Authority, WWF asks the Service to establish a moratorium on imports of ivory from Somalia into the United States for the following reasons:

1. The large number of tusks exported by Somalia in recent years and planned for export in the near future, all of which are claimed by Somalia to have been taken in Somalia, indicate that Somalia is not effectively controlling and monitoring the taking of elephants within its borders. These are grounds for establishment of a moratorium on Somalia as an ivory producing country under section 2202(b)(1)(C) of the Act.

2. The disparity between the size of Somalia's elephant population and the number of tusks Somalia declared in its 1986 annual report to CITES as having been taken in Somalia indicates that Somalia falsely declared to CITES the country of origin of the exported tusks. Somalia, therefore, is not adhering to the CITES Ivory Control System, which is cause for establishment of a moratorium on Somalia as either an ivory producing country under section 2201(b)(1)(A) or an intermediary country under section 2202(b)(2).

3. Imports of ivory from Ethiopia, which is not a party to CITES, that took place after the October 7, 1988, enactment of the Act with the authorization of the Somali government

would be cause for establishment of a moratorium on Somalia as an intermediary country under section 2202(b)(4).

4. The imports of ivory from either Kenya or Ethiopia into Somalia were in violation of the laws of those countries, and would be cause for establishment of a moratorium under section 2202(b)(5) if they were sanctioned by the Somali government. If these unlawful imports were indeed confiscated as claimed in Somalia, and the proceeds from the sale of the ivory were not used solely for wildlife conservation purposes, then the confiscated ivory provisions of the Act (section 2202(f)) would not apply, and a moratorium could be established under section 2202(b)(5) of the Act.

Pursuant to section 2202(d)(2) of the Act, the Service requests comments on the information contained in and actions requested by the WWF petition in order to assist the Service in analyzing and responding to the petition.

All comments received by the date above under DATES will be considered. The Service will render a decision on the petition within 90 days after the close of the comment period.

Establishment of Moratorium

The Service has an independent duty under sections 2202(a)(l) and 2202(b) to establish a moratorium immediately whenever the information available to the Service demonstrates that an ivory producing or intermediary country meets any of the criteria for establishment of a moratorium. In this case, the Service finds that the available information is sufficient to support establishment of a moratorium on imports of ivory from Somalia based upon several of the sections 2201(b)(1) and 2202(b) criteria.

Somalia has exported over 21,100 tusks in the last three years, which represents about 13,800 elephants. Somalia's 1986 annual report to CITES declares that, in 1986 alone, Somalia exported 16,986 tusks, which represents about 9,440 elephants. In the 1986 annual report to CITES and in other statements, Somalia has declared that all of these tusks are of Somali origin and that all the tusks were confiscated. Yet, the best estimates of Somalia's elephant population are that the population was no greater than 4,500 in 1987 and was no more than 8,600 in 1985. Somalia thus has declared exports of domestic ivory in the last three years that represent approximately three times the number of elephants remaining in Somalia. The Service considers the great disparity between these figures to be sufficient to support findings that (1) Somalia cannot be effectively controlling and monitoring the taking of elephants in Somalia, and (2) ivory is being imported into Somalia from its neighboring countries of Kenya and Ethiopia.

Section 2202(a)(l) of the Act requires the Service to establish a moratorium on ivory imports from an ivory producing country immediately upon finding that the country fails to meet any of the criteria of section 2201(b)(1). The evidence showing that Somalia is not effectively controlling and monitoring the taking of domestic ivory demonstrates Somalia fails to meet section 2201(b)(1)(C). Although Somalia's 1986 annual report to CITES declares that all of the ivory orignated in Somalia, the information available to the Service indicates Somalia actually imported at least part of the ivory. This false declaration to CITES demonstrates Somalia is not adhering to the CITES Ivory Control System, as required by section 2201(b)(l)(A).

Section 2202(b) of the Act requires the Service to establish a moratorium on imports of ivory from an intermediary country immediately upon finding that the country meets any of the criteria of that section. Because the evidence demonstrates that Somalia has acted as an intermediary country, the evidence of its failure to adhere to the CITES Ivory Control System also shows that Somalia meets the section 2202(b)(2) criterion.

The discrepancies between the amount of ivory exported by Somalia and the number of elephants remaining in the country demonstrates that ivory is being imported into Somalia from Kenya and Ethiopia. Somalia therefore meets both the section 2202(b)(4) and (5) criteria since both Kenya and Ethiopia prohibit the taking of elephants and Ethiopia is not a party to CITES. The Service interprets section 2202(b) in conjunction with section 2202(f) to mean that imports of ivory into Somalia by private parties that are confiscated by the Somali government do not require establishment of a moratorium on Somali ivory provided (1) the Somali government has not sanctioned the imports, and (2) the Somali government disposes of the ivory pursuant to the requirements of section 2202(f). Although the evidence indicates that Somalia must have known the origin of the ivory, the evidence does not show clearly that the Somali government actively authorized the imports. The WWF does present evidence to support its contention that the Somali government sanctioned the imports, but the Service wishes to reserve judgment on this issue in order to consider information that may be received during the comment period on the petition. In addition, however, the available information does not show clearly that Somalia has disposed of the ivory according to the requirements of section 2202(f). The Service specifically requests comments on this issue.

For the above reasons the Service finds that Somalia fails to meet all of the criteria of section 2201(b)(1) of the Act, and meets at least one of the criteria of section 2202(b). The Service therefore establishes a moratorium on imports of ivory from Somalia into the United States effective on the date of this notice.

The Service also requests comments on whether this moratorium should be suspended. All comments received by the date listed above under DATES will be considered. Consistent with section 2202(c) the Service will consider suspension of the moratorium concurrently with its consideration of the WWF petition.

This Notice was prepared by Frank McGilvrey, U.S. Fish and Wildlife Service, Office of Management Authority.

Dated: February 17, 1989.

Frank M. Dunkle,

Director, Fish and Wildlife Service.

Appendix—Summary and Conclusion of the WWF Petition

In the last three years Somalia has sold at least 21,140 tusks and has been intending to sell an additional 3,846 tusks as soon as possible. The government claims that these are all confiscated tusks of Somalia origin. The total represents some 13,800 elephants, however, a figure far higher than Somalia's entire estimated elephant population.

If all these elephants, or even a fifth of them, were actually killed in Somalia, in violation of Somali law, it would be *prima facia* evidence that the taking of elephants in Somalia is not effectively controlled and monitored and would be cause for the Secretary to establish an immediate moratorium on imports of ivory from Somalia.

Simple arithemtic, however would indicate that a large percentage of these tusks must have been poached in neighboring countries where elephants are fully protected by law. It is well documented that the intensive poaching in Kenya's Meru and Tsavo National parks has been conducted by Somali tribesmen who can move freely across the Kenya/Somalia border. Three poachers apprehended in Tsavo in November 1988 reportedly carried identification cards from Somalia. Much of the ivory poached in Tsavo reportedly moves up by the coast by Dhow from Mombassa to Mogadishu. The attached letter signed by Somalia's president confirms reports from other sources that the poaching and illegal trade through Somalia is condoned and facilitiated by Somalian officials.

If this is the case, and if the Somali government in its annual CITES report has falsely identified the country of origin of these tusks, it is not adhering to the CITES Ivory Control System. This is cause for an immediate moratorium.

If any of the 8,000 tusks in Somalia's quota originated in Ethiopia, which is not a party to CITES, it would be unlawful under ESA to import them into the United States. If any of them entered Somalia after October 7, 1988, with the authorization of the Somali government, it would be cause for an immediate moratorium under AECA.

If, as seems certain, many of the 8,000 tusks were imported into Somalia from Ethiopia or Kenya, it was in violation of the laws of those countries and is cause for an immediate moratorium, if such imports were sanctioned by the government of Somalia or if the proceeds from the sale of such ivory are not used solely for conservation purposes.

Because Somalia has informed the CITES Secretariat that all 8,000 tusks were confiscated, they are presumed to be government property. Whether government funds were used to compensate or reward the poachers or middlemen and whether such persons benefit from the government's sale of this confiscated ivory are questions that should be answered before any more Somali ivory is allowed into internatonal trade. The Secretary needs to be assured prior to the sale of the remaining tusks that the government of Somalia has not sanctioned the import of ivory from Ethiopia and Kenya and that all proceeds from the sale of any confiscated ivory is to be used solely to enhance wildlife conservation programs or conservation purposes of CITES.

For all the reasons cited above, World Wildlife Fund believes that Somalia has provided sufficient grounds for the Secretary to establish a moratorium immediately on all imports of raw and worked ivory from Somalia into the United States. WWF urges the Secretary to act quickly before Somalia sells any more elephant tusks. If a moratorium is imposed on Somalia, other intermediary countries would not purchase the Somali ivory without having a moratorium imposed on their own ivory exports to the United States. WWF believes that immediate action by the Secretary against Somalia could prevent additional tusks from entering international trade until all questions as to their origin and legality are answered satisfactorily. Such bold action is absolutely necessary to destroy financial incentive for poachers and middlemen and to save Kenya's elephants from extinction.

In conclusion, WWF respectfully requests the Secretary to impose an immediate moratorium on Somalia and, following that, to impose a similar moratorium on any country that purchases or accepts any of the elephant tusks now awaiting sale in Somalia.

[FR Doc. 89-4258 Filed 2-23-89; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Date: February 21, 1989.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC

Harvest States Cooperatives

(1) _____

P.O. Box 64594
St. Paul, MN 55164

(2) _____

1667 N. Snelling Avenue

(3) _____

St. Paul, MN 55108

Russell J. Eichman
P.O. Box 64594
St. Paul, MN 55164

(4) _____

Noreta R. McGee,
Secretary.

[FR Doc. 89-4309 Filed 2-23-89; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 274 (Sub-No. 13)]

Rail Abandonments; Use of Rights-of-Way as Trails; Supplemental Trails Act Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of policy statement.

SUMMARY: The Commission has reexamined its rules governing implementation of section 208 of the National Trails System Act, 16 U.S.C. 1247(d), adopted in *Rail Abandonments—Use of Rights-of-Way as Trails*, 2 I.C.C.2d 591 (1986) and *Rail Abandonments—Supplemental Trails Act Procedures*, 4 I.C.C.2d 152 (1987), and codified at 49 CFR 1152.29, in light of the court's decision in *National Wildlife Federation* v. *I.C.C.* 850 F.2d 694 (D.C. Cir. 1988). We now: (1) Readopt the current procedures for invoking the Trails Act; and (2) address the question of whether application of the Trails Act may constitute a compensable taking of the property interests of reversionary landowners. We find that we are not the proper forum to decide any compensation claims. Because the Tucker Act (28 U.S.C. 1491) is available to address any takings claims that landowners might have, landowners are entitled to seek relief in the United States Claims Court, where the allegation that a compensable taking has occurred can be tested.

DATES: This notice is effective February 24, 1989.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 (TDD for hearing impaired: 202-275-1721)

SUPPLEMENTARY INFORMATION: In 1983 Congress amended section 8 of the National Trails System Act (Trails Act), 16 U.S.C. 1247 (d), to implement a declared national policy of preserving railroad rights-of-way for future reactivation of rail service. As amended, section 1247(d) provides that rights-of-way that might otherwise be abandoned may be preserved and used on an interim basis as trails. Under the terms of the amendment "such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes." Congress also provided that the trail user is to assume responsibility for liability in connection with the trial use, including managing and paying taxes on the corridor. Thus, section 1247(d) allows for the route to remain intact and available for future railroad use (rail banking), while relieving the railroad of liability and financial responsibility for the right-of-way during the period of interim trail use.

A railroad's decision to enter into a Trails Act agreement is similar to a carrier's decision to seek discontinuance rather than full abandonment authority for a particular line. Discontinuance authority, like rail banking, allows a railroad to cease operating a line for an