

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
Minnesota: Litchfield, city of Meeker County	270285	July 18, 1975, Emerg.; Feb. 15, 1991, Reg.; Feb. 15, 1991, Susp.; May 27, 1993, Rein.	Feb. 15, 1991.
Pennsylvania: Elk, township of Tioga County	421154	Apr. 15, 1974, Emerg.; May 1, 1987, Reg.; Mar. 15, 1993, Susp.; May 27, 1993, Rein.	May 1, 1987.
Pennsylvania: Mercersburg, borough of Franklin County	420471	Aug. 6, 1975, Emerg.; Mar. 1, 1976, Rein.; Sept. 3, 1992, Susp.; May 27, 1993, Rein.	Mar. 1, 1986.
Wisconsin: Wood County, unincorporated areas	550513	Mar. 5, 1971, Emerg.; Mar. 15, 1978, Reg.; Feb. 17, 1993, Susp.; May 28, 1993, Rein.	Feb. 17, 1993.
Regular Conversions—Region I			
Maine:			
Perry, town of Washington County	230319	May 3, 1993, suspension withdrawn	May 3, 1993.
Robbinston, town of Washington County	230321	.....do	Do.
Region V			
Michigan: Novi, city of Oakland County	260175	.....do	Do.
Ohio: Westerville, city of Franklin and Delaware Counties	390179	.....do	Do.
Region IX			
California: Fontana, city of San Bernadino County	060274	.....do	Do.
Region III			
Virginia: Augusta County, unincorporated areas	510013	May 17, 1993, suspension withdrawn	May 17, 1993.
Pennsylvania: Springfield, township of Montgomery County	425388	.....do	Do.
Region VI			
Louisiana: East Baton Rouge Parish, unincorporated areas	220058	.....do	Do.
Region IV			
South Carolina: Manning, city of Clarendon County	450052	.....do	Apr. 15, 1986.
Region V			
Illinois: Pontoon Beach, village of Madison County	170447	.....do	Feb. 5, 1982.

¹ The Town of Westlake's FIRM will become effective on June 2, 1993. The town will be converted to the Regular Program effective June 2, 1993.

² The City of Westminster has adopted Collin County's FIRM dated 9-4-91 for floodplain management and insurance purposes. The county's CID number is 480130.

Code for reading third column: Emer.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: June 14, 1993.

Francis V. Keilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93-14410 Filed 6-17-93; 8:45 am]

BILLING CODE 6710-21-P

44 CFR Part 64

[Docket No. FEMA-7577]

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has

adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the *Federal Register*.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: James Ross MacKay, Acting Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding.

Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the *Federal Register*.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain

management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Regular Program Conversions—Region II				
New York:				
Schoharie, town of Schoharie County	361198	Oct. 10, 1975, Emerg.; May 1, 1985, Reg.; July 5, 1993, Susp.	July 5, 1993	July 5, 1993
Schoharie, village of Schoharie County.	361061	Sept. 11, 1975, Emerg.; Aug. 1, 1987, Reg.; July 5, 1993, Susp.	.....do	Do.
Region IV				
Georgia: Fannin County, unincorporated areas.	130249	Oct. 11, 1990, Emerg.; Aug. 19, 1991, Reg.; July 5, 1993, Susp.	.....do	Do.
Region I				
Maine: St. George, town of Knox County	230229	Mar. 30, 1976, Emerg.; Sept. 1, 1988, Reg.; July 19, 1993, Susp.	July 19, 1993	July 19, 1993
Region IV				
North Carolina: Cherokee County, unincorporated areas.	370059	July 18, 1979, Emerg.; Feb. 2, 1989, Reg.; July 19, 1993, Susp.	.....do	Do.
Tennessee: Rogersville, city of Hawkins County.	470086	Sept. 12, 1975, Emerg.; June 3, 1986, Reg.; July 19, 1993, Susp.	.....do	Do.
Region VI				
Oklahoma: Sand Springs, city of Tulsa and Sage Counties.	400211	Aug. 5, 1974, Emerg.; June 15, 1981, Reg.; July 19, 1993, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: June 14, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93-14411 Filed 6-17-93; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 76

[MM Docket No. 92-266; FCC 93-304]

Cable TV Act of 1992

AGENCY: Federal Communications Commission.

ACTION: Temporary rule; deferral of effective date of final rules; extension of termination date.

SUMMARY: The Commission has adopted an Order deferring the effective date of its cable rate regulations until October 1, 1993, and continuing its rate freeze for regulated cable services. This action will provide time for the Commission and local authorities to implement the Commission's rate regulations adopted on April 1, 1993, in response to the Cable Act of 1992. This action will ensure that the freeze of regulated cable service rates that became effective on April 5, 1993, will continue through November 15, 1993.

DATES: The effective date of the amendments to parts 0 and 76 published at 58 FR 29737 (May 21, 1993) is deferred until October 1, 1993.

The amendment in this rule to § 76.1090(a), originally published at 58 FR 17530 (April 5, 1993), and the authority citation for part 76 is effective July 19, 1993.

The termination date of § 76.1090, originally published at 58 FR 17530 (April 5, 1993) and amended in this rule, is extended until November 15, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer A. Manner, (202) 632-7500.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order in MM Docket No. 92-266, FCC No. 93-304, adopted and released June 15, 1993.

The complete text of this Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC, and may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., at (202) 632-7513, room 246, 1919

M Street, NW., Washington, DC 20554. The complete text of this Order will also be published in the FCC Record.

Synopsis of the Order

I. Introduction

1. In this Order, we defer implementation of cable service rate regulation from June 21, 1993 until October 1, 1993,¹ and extend the "freeze" of regulated cable service rates from August 4, 1993 until November 15, 1993.² We additionally dismiss without prejudice petitions filed by Intermedia Partners ("Intermedia"), and the Coalition of Small System Operators and Prime Cable of Alaska, L.P. ("Coalition"), seeking a stay of implementation of cable rate regulation.

II. Deferral of Implementation of Cable Service Rate Regulation

2. In the Report and Order, the Commission adopted a comprehensive regulatory framework for the implementation of cable service rate regulation as required by the Cable Act of 1992 that imposes significant new responsibilities on the Commission.³ These new responsibilities occur at a time when the Commission is already operating under a budget shortfall of \$18 million for Fiscal Year 1993. As a

¹ See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation, Report and Order and Further Notice of Proposed Rulemaking ("Report and Order"), MM Docket 92-266, FCC 93-177 (released May 3, 1993), 58 Fed. Reg. 29736 (May 21, 1993), adopting regulations implementing Sections 623 (cable service rate regulation), 612 (commercial leased access), and 622(c) (subscriber bill itemization) of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act of 1992"). Those regulations are scheduled to become effective June 21, 1993.

² See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation ("Rate Freeze Order"), MM Docket 92-266, 8 FCC Rcd 2921, 58 Fed. Reg. 17530 (April 5, 1993), clarified, 8 FCC Rcd 2917, 58 Fed. Reg. 21929 (April 26, 1993). In that Order we established a freeze of cable service rates from April 5, 1993 until August 4, 1993.

³ For example, under the rate regulations adopted in the Report and Order, the Commission must, *inter alia*: print and distribute certification forms; process franchise certifications; review petitions for reconsideration and revocations of certification approvals; review showings by franchise authorities concerning their inability to regulate basic service rates; address cable operators' requests for effective competition data from competitors; process appeals from basic service rate determinations; regulate the basic service tier where local franchise authority certification is denied or revoked or where the authority is otherwise unable to regulate; print and distribute complaint forms for cable programming services; print and distribute Form 393, which cable operators will use to determine initial regulated rates; adjudicate complaints regarding cable programming services by reviewing benchmark and cost-of-service showings; publish and distribute forms used to determine external costs; review external cost showings; and adjudicate leased access rate complaints.

result of this shortfall, we are projecting a potential need to furlough all employees for up to five days during Fiscal Year 1993. In order to meet the additional responsibilities of the Cable Act of 1992, the Commission has worked closely with the Office of Management and Budget to estimate its additional resource needs and requested \$12 million in supplemental funding from Congress for Fiscal Year 1993. While our funding requests have made significant progress,⁴ Congress has not yet enacted a supplemental appropriation. In addition, when supplemental funds are appropriated, it may take an additional period of time for the supplemental appropriation to be effectively utilized by the Commission. Therefore, the Commission will be unable as of the current effective date of cable service rate regulation, to fully implement the rate regulation provisions of the Cable Act of 1992.⁵

3. In addition, we believe that an additional period of time for implementation of cable service rate regulation will provide franchising authorities and cable operators greater opportunity to ensure a smooth transition to rate regulation. We recognize that rate regulation of cable service imposes significant new obligations on cable operators. In addition, cable systems will be taking a series of steps to notify subscribers of the changes being implemented under these regulations, and we continue to be concerned that these notices be given sufficiently in advance to minimize confusion and service disruption.⁶ We believe that an additional period of time afforded to cable operators to establish compliance with rate regulation requirements, including any necessary rate reductions, and to prepare and disseminate subscriber notices, will

⁴ On June 8, 1993, the Senate Appropriations Committee approved \$11.5 million in supplemental funding for the Commission.

⁵ We observe that in response to the Cable Act of 1992, we have initiated and/or completed numerous proceedings to prescribe regulations necessary for the implementation of the Act. By the end of this month, the Commission will have completed promptly and on schedule 32 formal actions under the Act, e.g. Notices of Proposed Rulemakings, Reports and Orders, clarifications. To finish implementation of this law, we estimate that we will have to complete at least 27 more formal actions in the next few months.

⁶ Continental Cablevision, Inc. has filed a petition requesting a clarification as to whether cable operators may make retroactive charges and credits for the first full billing cycle occurring after the effective date of the Commission's rate regulations. Petition for Clarification or Reconsideration of Order of May 14, 1993, filed May 20, 1993 by Continental Cablevision, Inc. This petition raises issues that the Commission may need to address in connection with implementation of rate regulation on October 1, 1993. Therefore, the Commission is continuing to consider the Continental petition.

promote the purposes of the Cable Act of 1992 and facilitate the transition to rate regulation of cable service. An additional period of time prior to full implementation of cable service rate regulation will also afford local franchise authorities a further opportunity to prepare for exercise of their rate regulation responsibilities.

4. Accordingly, on reconsideration on our own motion of the effective date set forth in the Report and Order, we will defer the effective date of our cable service rate regulations until October 1, 1993.⁷ This deferral will apply to all regulations adopted in the Report and Order.⁸ Thus, the Commission will not accept until October 1, 1993 certifications by local franchising authorities to regulate the basic service tier or complaints invoking the Commission's regulatory oversight over cable programming service rates.⁹ During this deferral period, we will continue to work with Congress to assure adequate funding for implementation of the Cable Act of 1992.¹⁰

III. Extension of the Rate Freeze

5. In the Rate Freeze Order, we froze until August 3, 1993 rates for cable service, other than premium channels and pay-per-view services, provided by systems subject to rate regulation under the Cable Act of 1992. We stated that we were concerned that during the period between adoption of our rules and the

⁷ Under 47 CFR 1.108, the Commission may, on its own motion, reconsider and set aside any Commission action taken within thirty days from the date of public notice of the action. See 47 U.S.C. 405. Public notice of our rate regulations was published on May 21, 1993. 58 FR 29736 (May 21, 1993). See also 47 CFR 1.4(b)(1).

⁸ See footnote 1, *supra*. The Commission will issue a separate order modifying those rate regulations (e.g. refund liability for basic and cable programming services) that include dates based on the June 21 effective date to conform to the new effective date. The effective dates of other regulations implementing the Cable Act of 1992 remain unchanged.

⁹ Refund liability for the basic service tier will extend from the date the operator implements a prospective rate reduction back to October 1, 1993, or one year, whichever is shorter. For a cable programming services tier, refund liability will extend from the date the operator implements a prospective rate reduction back to the date a complaint was filed concerning the rate for the tier. The Commission will begin accepting such complaints on October 1, 1993.

¹⁰ In Implementation of Sections of the Cable Television and Consumer Protection Act of 1992, Rate Regulation, Order, MM Docket No. 92-266, FCC 93-264, 58 FR 29553 (May 21, 1993), we denied a request for stay until August 3, 1993 of implementation of rate regulation filed by the National Cable Television Association. At that time, the Commission believed that the additional resources necessary to implement the Cable Act of 1992 could be available by June 21, 1993, or very shortly thereafter, to permit implementation of cable rate regulation on that date.

earliest practical opportunity for local franchising authorities to establish regulation of the basic service tier, and for consumers to file complaints with the Commission concerning rates for cable programming services, cable operators could raise rates. This could effectively undermine the statutory requirement that the Commission assure that rates for cable service are reasonable.¹¹ Given our deferral of the effective date of the rate regulations until October 1, 1993, we remain concerned that cable operators could unreasonably raise rates after the current expiration date of the freeze. Thus, in order to protect consumers during the period that we are deferring implementation of the cable rate regulations, we are extending the freeze established in the Rate Freeze Order through November 15, 1993.¹² This extension will provide sufficient time, as a legal and practical matter, for local franchising authorities to become certified to regulate the basic service tier and for consumers to be able to exercise their rights to invoke Commission oversight over cable programming services.¹³ During the period of this freeze we will entertain petitions for emergency relief from cable operators who make detailed and particularized showings that the freeze would impose severe economic hardships or threaten the viability of continued cable service. We will endeavor to act on such petitions expeditiously.

IV. Intermedia and Coalition Requests for Stay

6. Coalition requests a stay of rate regulation pending reconsideration of the Commission's benchmark approach to rate regulation of cable service and the final promulgation of cost-of-service standards. Intermedia also requests the Commission to stay implementation of rate regulation pending adoption of cost-of-service standards. In view of our determination to defer implementation of cable service rate regulation until October 1, 1993, we do not find it necessary to address at this time the Coalition and Intermedia requests for stay of implementation of cable service rate regulation. Accordingly, we will dismiss without prejudice the Coalition and Intermedia petitions.

¹¹ Rate Freeze Order, para. 3.

¹² We observe that Intermedia and Coalition both state that the rate freeze properly could be extended in conjunction with their proposed stay, of cable service rate regulation. Coalition Petition for Stay, p. 15; Intermedia Petition for Stay, p. 21.

¹³ This freeze is applicable to the basic service tier, the cable programming service tier (or tiers), and provision of regulated equipment.

V. Ordering Clauses

7. Accordingly, it is ordered, pursuant to Sections 4 (i) and (j), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154 (i), (j), and 405, and Section 1.108 of the Commission's rules, 47 CFR Section 1.108, that the Commission's rules adopted in Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation, Report and Order and Further Notice of Proposed Rulemaking ("Report and Order"), MM Docket 92-266, FCC 93-177 (released May 3, 1993), 58 FR 29736 (May 21, 1993), shall be effective October 1, 1993.

8. *It is further ordered*, that the freeze of cable service rates established in Order, Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation, MM Docket 92-266, 8 FCC Rcd 2921, 58 FR 17530 (April 5, 1993), *clarified*, 8 FCC Rcd 2917, 58 FR 21929 (April 26, 1993), is extended until November 15, 1993 and that effective 30 days from publication in the Federal Register, § 76.1090(a) of the Commission's rules is amended as set forth below.

9. *It is further ordered*, that the petitions for stay filed by Intermedia Partners and Coalition of Small System Operators and Prime Cable of Alaska, L.P. are dismissed without prejudice.

List of Subjects in 47 CFR Part 76

Cable television.
Federal Communications Commission.
Donna Searcy,
Secretary.

Rule Change

Part 76 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION

1. The authority cite for part 76 is revised to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309, 532, 533, 535, 542, 543, 552 as amended, 106 Stat. 1460.

2. Section 76.1090(a) is revised to read as follows:

§ 76.1090 Temporary freezes of cable rates.

(a) The average monthly subscriber bill for services provided by cable operators subject to regulation under Section 623 of the Communications Act shall not increase above the average monthly subscriber bill determined

under rates in effect on April 5, 1993, until November 15, 1993.

* * * * *

[FR Doc. 93-14464 Filed 6-14-93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB83

Endangered and Threatened Wildlife and Plants; Final Rule To Delist the Plant *Tumamoca macdougallii*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) removes *Tumamoca macdougallii* (Tumamoc globeberry) from the List of Endangered and Threatened Plants. The range of this species includes south-central Arizona and extends southward into southern Sonora, Mexico. Given the large range of the species, its non-specific habitat requirements, the number of known populations, the remote nature of much of the habitat, and the ability of the species to withstand some habitat degradation, the Service determines that the Tumamoc globeberry is not in danger of extinction throughout all or a significant portion of its range. This action removes the protection of the Endangered Species Act for the Tumamoc globeberry.

EFFECTIVE DATE: June 18, 1993.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, Suite 6, Phoenix, Arizona 85020.

FOR FURTHER INFORMATION CONTACT: Sue Rutman, at the above address (602/379-4720).

SUPPLEMENTARY INFORMATION:

Background

Tumamoca macdougallii was first collected on Tumamoc Hill, west of Tucson, Arizona, on July 31, 1908, by D.J. Macdougall, a scientist at the Carnegie Desert Laboratory. The specimen was sent to J.N. Rose, a botanist at the U.S. National Herbarium, who described it as a new genus and species in honor of the type locality and its collector (Rose 1912).

Tumamoca macdougallii is a delicate perennial vine in the gourd family

(Cucurbitaceae). The plants are found under trees or shrubs, which act as nurse plants and provide physical support for the vines. The stems arise from large tuber-like roots, begin annual growth during the late summer in response to summer rains, and continue growing until the onset of cool weather and short days in November. The thin leaves have three main lobes, each divided into narrow segments. The flowers are small and pale greenish-yellow, with both male and female flowers occurring on a plant. The majority of flowers are produced in August. Mature fruits are spherical to ovoid, succulent, and bright red (Reichenbacher 1985a, F.W. Reichenbacher and Associates 1990).

In 1986, when the species was listed as endangered under the Endangered Species Act of 1973, as amended (Act), thirty isolated populations of Tumamoc globeberry had been located in Pima County, Arizona and five were known from Sonora, Mexico. The total number of known individuals was 2,300 in the U.S. and 60 in Mexico (April 29, 1986; 51 FR 15906). All populations were found in the Arizona Upland Subdivision of Sonoran Desertscrub Biotic Community. The eastern and western limits of the U.S. range of the species were known to include the Tucson area and extended west about 193 kilometers (120 miles) to the vicinity of Organ Pipe Cactus National Monument. The exact northern and southern range boundaries were unknown but extended about 400 kilometers (250 miles) south of the U.S./Mexico border to the vicinity of Guaymas, Sonora.

Surveys and studies completed after the May 1985 publication of the proposed rule to list *Tumamoca macdougallii* have improved our understanding of the range and ecology of this species (Reichenbacher 1985a, Reichenbacher 1985b, Tierra Madre Consultants and Cornett & Associates 1985, Reichenbacher 1987, Biosystems Analysis 1988). Numerous surveys have been conducted on smaller tracts of land. The locations of most populations are contained in the Non-game Data Management System of the Arizona Game and Fish Department.

A survey and study in the U.S. and Mexico contracted by the Bureau of Reclamation greatly increased our understanding of *Tumamoca macdougallii* (F.W. Reichenbacher and Associates 1990). The study was required by a June 30, 1986, jeopardy biological opinion under Section 7 of the Act on the Central Arizona Project (pipeline and canal) and was conducted during the summers of 1988 and 1989.

The report summarized the current range, distribution, and ecological information on *Tumamoca*.

The U.S./Mexico survey extended the northern and southern boundaries of the known range of *Tumamoca* (F.W. Reichenbacher and Associates 1990), although the eastern and western boundaries were essentially unchanged. The southern boundary, while not yet fully defined, was extended south to within 80 kilometers (50 miles) of the northern border of Sinaloa, Mexico. The northern boundary was extended to include southern Pinal and Maricopa Counties, Arizona. The distance between the northern and southern boundaries is more than 643 kilometers (400 miles). F.W. Reichenbacher and Associates (1990) estimated the potential habitat of *Tumamoca* in the U.S. and Mexico to be 72,862 square kilometers (27,959 square miles).

Tumamoca is less habitat-specific than was believed at the time it was listed. The species occurs below 914 meters (3,000 feet) elevation in a variety of desert habitats and vegetation types, including the Arizona Upland, Lower Colorado Valley, Plains of Sonora, and Central Gulf Coast Subdivisions of the Sonoran Desertscrub Biotic Community and the Sinaloan Thornscrub Biotic Community (F.W. Reichenbacher and Associates 1990) (biotic communities defined by Turner and Brown 1982). The species is found associated with a variety of nurse plants and in soil types ranging from sandy soils of valley bottoms to rocky soils of upper bajada slopes (F.W. Reichenbacher and Associates 1990). In the U.S., *Tumamoca* occurs in isolated, discrete populations separated by large areas of apparently suitable but unoccupied habitat (Reichenbacher 1985a, F.W. Reichenbacher and Associates 1990). In Mexico, the species is widely scattered at a relatively low frequency throughout suitable habitat, with some areas of higher densities (F.W. Reichenbacher and Associates 1990). Depending on the site, habitat condition ranges from excellent or good to severely degraded or modified.

Surveys of potential habitat in the U.S. and Mexico showed the species to be more common than known at the time it was listed. Less than one percent of the potential habitat in the U.S. and Mexico was searched in 1988 and 1,242 plants were located (F.W. Reichenbacher and Associates 1990). This search involved 444 quadrats in Sonora and 261 in Arizona. All quadrats were approximately 8 hectare (20 acre) rectangles. *Tumamoca* was found in 6 Arizona quadrats (2 percent) and 89 Sonora quadrats (20 percent). The new