

without incurring additional expense or delay.

(2) A public hearing will be held at 9:30 a.m. on June 6, 1995 and at 9:30 a.m. on June 7, 1995. Any person who wishes to speak at the hearing should notify the FRA Docket Clerk at least five working days before to the hearing, by telephone or by mail.

ADDRESSES: (1) Written comments should be submitted to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street N.W., Washington, D.C. 20590. Persons desiring to be notified that their written comments have been received by FRA should submit a stamped, self-addressed postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination, both before and after the closing date for comments, during regular business hours in Room 8201 of the Nassif Building at the above address.

(2) A public hearing will be held in room 2230 of the Nassif Building, 400 Seventh Street S.W. Washington, D.C. Persons desiring to speak at the hearing should notify the Docket Clerk by telephone (202-366-0628) or by writing to the Docket Clerk at the address above.

FOR FURTHER INFORMATION CONTACT: Bruce F. George, Chief, Highway-Rail Crossing and Trespasser Programs Division, Office of Safety, FRA, 400 Seventh Street S.W., Washington, D.C. 20590 (telephone 202-366-0533), or Mark Tessler, Trail Attorney, Office of Chief Counsel, FRA, 400 Seventh Street S.W., Washington, D.C. 20590 (telephone 202-366-0628).

Issues in Washington, D.C. on April 11, 1995.

Donald M. Itzkoff,

Deputy Administrator.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearings on Proposed Endangered Status With Critical Habitat in Arizona, and Threatened Status in Texas, for the Cactus Ferruginous Pygmy-owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule: notice of public hearing and reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that public hearings will be held and the comment period reopened on the proposed rule to list the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) as an endangered species with critical habitat in Arizona, and as threatened in Texas. The hearings and the reopening of the comment period will allow all interested parties to submit oral or written comments on the proposal.

DATES: The public hearings will be held from 6 p.m. to 9 p.m. on May 8, 1995, in Tucson, Arizona, and from 7 p.m. to 10 p.m. on May 10, 1995, in Weslaco, Texas. The comment period for this proposal will be reopened on May 1, 1995, and will close on May 30, 1995. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on the proposal.

ADDRESSES: The public hearings will be held at the Senior Ballroom, Student Union Memorial Building, University of Arizona, Tucson, Arizona and at Hoblitzelle Auditorium, Texas A&M Experimental Station, 2145 E. Highway 83, Weslaco, Texas. Written comments should be sent to the State Supervisor, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Phoenix, Arizona 85021-4951. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Humphrey, State Supervisor, Arizona Ecological Services State Office (See **ADDRESSES** section) (telephone 602/640-2720; facsimile 602/640-2730)

SUPPLEMENTARY INFORMATION:

Background

The breeding range of the cactus ferruginous pygmy-owl extends from south-central Arizona south through western Mexico, and from southern Texas south through northeastern Mexico. Within these regions, the species occurs in riverbottom woodlands, coastal plain oak associations, thornscrub, and Sonoran desert scrub. The cactus ferruginous pygmy-owl is threatened to varying degrees across its range by loss and modification of habitat, lack of adequate protective regulations, and other factors.

A proposed rule to list this species as endangered with critical habitat in Arizona, and as threatened in Texas, was published in the Federal Register (59 FR 63975) on December 12, 1994.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the species listing process, allowing the Service to consider the best scientific and commercial data available in making a final determination on the proposed action, is deemed as sufficient cause.

Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to numerous requests, the Service is holding two hearings. The two public hearings will be held on the dates and at the addresses described above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearings or mailed to the Service. Legal notices announcing the dates, times, and locations of the hearings will be published in local newspapers.

The comment period on the proposal originally closed on April 11, 1995. In order to accommodate the hearings, the Service also reopens the public comment period. Written comments may now be submitted until May 30, 1995, to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Jeffrey A. Humphrey (see **ADDRESSES**).

Authority

The authority for this action is 16 U.S.C. 1531-1544.

Dated: April 10, 1995.

Lynn B. Starnes,

Acting Regional Director, Region 2, Fish and Wildlife Service.

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