

requirements, as described above, it is not subject to RFA.

*G. Submission to Congress and the General Accounting Office*

Under 5 U.S.C. 801(a)(1)(A), added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), EPA submitted, by the date of publication of this rule, a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office. This rule is not a "major rule" as defined by 5 U.S.C. 804(2), as amended.

*H. Paperwork Reduction Act*

This rule does not contain any information collection requirements which require OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

*I. Judicial Review*

Under CAA section 307(b)(1), a petition to review today's action may be filed in the Court of Appeals for the District of Columbia within 60 days of November 20, 1997.

Dated: November 14, 1997.

**Carol M. Browner,**  
Administrator.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

**Clean Air Act Promulgation of Extension of Attainment Date for the Portland, Maine, Moderate Ozone Nonattainment Area**

*CFR Correction*

In Title 40 of the Code of Federal Regulations, parts 81 to 85, revised as of July 1, 1997, make the following correction:

On page 180, in § 81.320, in the table under the heading "Maine—Ozone", footnote 2 is corrected to read "Attainment date extended to November 15, 1997."

BILLING CODE 1505-01-D

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AD14**

**Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Tidal Marsh Plants—*Cirsium hydrophilum* var. *hydrophilum* (Suisun Thistle) and *Cordylanthus mollis* ssp. *mollis* (Soft Bird's-Beak) From the San Francisco Bay Area of California**

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

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) determines endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for two plants—*Cirsium hydrophilum* var. *hydrophilum* (Suisun thistle) and *Cordylanthus mollis* ssp. *mollis* (soft bird's-beak). These species are restricted to salt and brackish tidal marshes within the San Francisco Bay area in northern California. Habitat conversion, water pollution, changes in salinity, indirect effects of urbanization, mosquito abatement activities (including off-road vehicle use), competition with non-native vegetation, insect predation, erosion, and other human-caused actions threaten these two species. This rule implements the Federal protection and recovery provisions afforded by the Act for these plants.

**EFFECTIVE DATE:** December 22, 1997.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino, Suite 130, Sacramento, California 95821-6340.

**FOR FURTHER INFORMATION CONTACT:** Kirsten Tarp (telephone 916/979-2120) and Matthew D. Vandenberg (telephone 916/979-2752), staff biologists at the Sacramento Fish and Wildlife Office (see **ADDRESSES** section); FAX 916/979-2723.

**SUPPLEMENTARY INFORMATION:**

**Background**

*Cirsium hydrophilum* var. *hydrophilum* (Suisun thistle) and *Cordylanthus mollis* ssp. *mollis* (soft bird's-beak) occur in salt and brackish tidal marshes fringing San Pablo and Suisun Bays in the San Francisco Bay area of northern California. Since 1850, this habitat has been drastically

reduced. Approximately 15 percent, or 12,142 hectares (ha) (30,000 acres), of the historical tidal marshland habitat within the San Francisco Bay area remains (Dedrick 1989).

With the exception of the San Francisco Bay area, the mountainous coast of California and the narrow continental shelf provide few areas that are suitable for tidal marsh development (MacDonald 1990). Coastal salt marshes are found along sheltered margins of shallow bays, estuaries, or lagoons, in low lying areas that are subject to periodic inundation by salt water. Brackish marshes occur at the interior margins of coastal bays, estuaries, or lagoons where fresh water sources (streams and rivers) enter salt marshes. Brackish marshes are similar to salt marshes but differ in the degree of water and soil salinity. Brackish marshes are less saline than salt marshes. Salinity levels vary with time, tides, and the amount of freshwater inflow. Vegetation communities in salt and brackish marshes often occur in distinct zones, depending on the frequency and length of tidal flooding. *Cirsium hydrophilum* var. *hydrophilum* and *Cordylanthus mollis* ssp. *mollis* are restricted to a narrow tidal band, typically in higher elevational zones within larger tidal marshes that have fully developed tidal channel networks. These plants usually do not occur in smaller fringe tidal marshes that are generally less than 100 meters (m) (300 feet (ft)) in width, or in non-tidal areas.

**Discussion of the Two Species**

Asa Gray (1888) originally described *Cirsium hydrophilum* var. *hydrophilum* as *Cnicus breweri* var. *vaseyi*. Subsequent authors treated the taxon as *Carduus hydrophilus* (Greene 1892), *Cirsium hydrophilum* (Jepson 1901), and *Cirsium vaseyi* var. *hydrophilum* (Jepson 1925). John Thomas Howell (1959) concluded that Jepson's *Cirsium hydrophilum* and *Cirsium vaseyi* of the Mt. Tamalpais area in Marin County, California are varieties of a single species, *Cirsium hydrophilum*. According to the rules for botanical nomenclature, when a new variety is described in a species not previously divided into intraspecific taxa, an autonym (automatically created name) is designated. In this case, the autonym is *Cirsium hydrophilum* var. *hydrophilum*.

*Cirsium hydrophilum* var. *hydrophilum* is a perennial herb in the aster family (Asteraceae). Slender, erect stems 1.0 to 1.5 m (3.0 to 4.5 ft) tall are well branched above. The spiny leaves are deeply lobed. The lower leaves have ear-like basal lobes; the upper leaves are