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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 71

[OST Docket No. OST-99-5843 ]

RIN 2105-AC80

#### Relocation of Standard Time Zone Boundary in the State of Kentucky

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** In response to a petition by the Wayne County, Kentucky, Fiscal Court, the Department of Transportation (DOT) proposed to move Wayne County, Kentucky, from the Central Time Zone to the Eastern Time Zone. Originally, DOT had planned to issue a decision at the beginning of October 1999, so that if a change were adopted it would be effective on October 31, 1999, which is the ending date for daylight saving time. Because this is a very close and controversial proceeding raising novel legal issues, we will not meet our planned timetable. We will issue a decision as soon as possible. The purpose of this notice is to inform the community that now the earliest date that the proposed change might take effect is October 29, 2000.

**FOR FURTHER INFORMATION CONTACT:** Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9315.

Issued in Washington, DC on October 8, 1999.

**Rosalind Knapp,**

*Acting General Counsel.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AE30

#### Endangered and Threatened Wildlife and Plants; Public Hearing and Reopening of Comment Period on Proposed Critical Habitat for the Tidewater Goby

AGENCY: Fish and Wildlife Service, Interior.

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

**SUMMARY:** We, the Fish and Wildlife Service, pursuant to the Endangered Species Act of 1973, as amended (Act), provide notice of a public hearing and reopening of the comment period on the proposed rule to designate critical habitat for the tidewater goby *Eucyclogobius newberryi*, an endangered species. The comment period is reopened to accommodate public hearing requests received from the Agua Hedionda Lagoon Foundation, the Bristol Cove Boat and Ski Club, the Bristol Cove Property Owners Association, Carlsbad Aquafarm Incorporated, Cabrillo Power I LLC, and the Hubbs Sea World Institute. Thus, we have scheduled a public hearing to be held in Carlsbad, California (see **DATES** and **ADDRESSES**). The reopening of the comment period will also allow further opportunity for all interested parties to submit comments on the proposal which is available (see **ADDRESSES**). We are seeking comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposed designation.

**DATES:** The public hearing will be held on Thursday, November 4, from 1:00 p.m. to 3:00 p.m., and from 6:00 p.m. to 8:00 p.m. in Carlsbad, California. The comment period closes November 30, 1999.

**ADDRESSES:** The public hearing will be held at La Costa Resort, Conference Center Theater, La Costa Del Mar Road, Carlsbad, California. Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California, 92008. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Glen Knowles, Carlsbad Fish and Wildlife Office (see **ADDRESSES** section) at (760) 491-9440.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 3, 1999, the service published a rule proposing critical habitat for the tidewater goby *Eucyclogobius newberryi* in the **Federal Register** (64 FR 42250), a species now classified as endangered throughout its entire range. The original comment

period closed on October 4, 1999. Section 4(b)(5)(E) of the Act (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 the proposed rule. In response to a request for a public hearing from the Agua Hedionda Lagoon Foundation, Bristol Cove Boat and Ski Club, the Bristol Cove Property Owner's Association, Carlsbad Aquafarm Incorporated, Cabrillo Power I LLC, and the Hubbs Sea World Institute a public hearing will be held in Carlsbad, California on November 4, 1999, at the La Costa Resort, Conference Center Theater (see **ADDRESSES**). Parties wishing to make statements for the record should bring a copy of their statements to the hearing. Oral statements may be limited in length, if the number of parties present at the hearing necessitates such a limitation. There are no limits to the length of written comments or materials presented at the hearing or mailed to us. Written comments carry the same weight as oral comments. The comment period now closes on November 30, 1999. Written comments should be submitted to us at the hearing, or mailed to the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

The tidewater goby is a small, grayish brown fish approximately 2 inches long which lives for about one year. It occurs in lagoons, tidal bays, and brackish tributaries along the California coastline. This fish is threatened by habitat loss and degradation, predation by non-native species, and extreme weather and streamflow conditions. Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

(1) The reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefits of designation will outweigh any threats to the species due to designation;

(2) Specific information on the amount and distribution of tidewater goby habitat, and what habitat is essential to the conservation of the species and why;

(3) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat, in particular, any impacts on small entities or families; and

(5) Economic and other values associated with designating critical habitat for the tidewater goby, such as those derived from non-consumptive