

This notice announces the reopening of the public comment period on this reinstated rulemaking for 15 days to allow for peer review of the proposed rule (58 FR 62624) and its subsequent withdrawal (62 FR 37852) according to our Peer Review Policy (59 FR 34270), accept public comment on the reinstated proposed rule, and collect updated information concerning the species ecology and distribution, threats, conservation/management actions, and any additional available information to assist us in making a final listing determination based on the best scientific and commercial data available.

We are specifically seeking information about the flat-tailed horned lizard and its habitat concerning: (1) Threats to the species as a whole or to local populations and its habitat; (2) the size, number, and distribution of known populations; (3) sufficiency of current conservation/management and/or regulatory mechanisms for the flat-tailed horned lizard and its habitat; and (4) the conservation value of different populations across the range of the species.

#### Author

The primary author of this notice is Douglas Krofta, Carlsbad Fish and Wildlife Office (see **ADDRESSES**).

**Authority:** The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 3, 2002.

**Marshall P. Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 02-24025 Filed 9-23-02; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AH02

### Endangered and Threatened Wildlife and Plants; Designations of Critical Habitat for Plant Species From the Island of Hawaii, Hawaii

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

**ACTION:** Proposed rule; extension of comment period, and public hearing announcement.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice of two public hearings on the proposed critical habitat designations for 47 plants from the island of Hawaii. The comment

period for the proposed critical habitat designations originally closed on July 29, 2002. The comment period was reopened on August 26, 2002, and was scheduled to close on September 30, 2002. We are now announcing two public hearings and are extending the comment period to allow all interested parties to submit oral or written comments on the proposal. We are seeking comments or suggestions from the public, other concerned agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

**DATES:** The comment period for this proposal now closes on November 30, 2002. Any comments received by the closing date will be considered in the final decision on this proposal. Two public hearings will be held on the island of Hawaii, on Tuesday, October 29, 2002, in Kailua-Kona from 5:30 p.m. to 8:30 p.m. and on Wednesday, October 30, 2002, in Hilo from 6:00 p.m. to 8:00 p.m. Prior to both public hearings, the Service will be available from 3:30 to 4:30 p.m. to provide information and to answer questions. The Service will also be available for questions after the hearings.

**ADDRESSES:** The public hearing in Kailua-Kona will be held at the King Kamehameha Hotel, 75-5660 Palani Road, Kailua-Kona, HI. The public hearing in Hilo will be held at the Hawaii Naniloa Resort, 93 Banyon Dr., Hilo, HI. Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, Room 3-122, P.O. Box 50088, Honolulu, HI 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Paul Henson, at the above address (telephone 808/541-3441; facsimile 808/541-3470).

#### SUPPLEMENTARY INFORMATION:

The public hearing scheduled in Kailua-Kona for the proposed critical habitat designations for 47 plants from the island of Hawaii announced in this **Federal Register** notice and the public hearing for the proposal to designate critical habitat for Blackburn's sphinx moth announced in a separate **Federal Register** notice are scheduled for the same date, time, and location as a matter of convenience to the public. We will accept comments at the Kailua-Kona public hearing on the proposed critical habitat designations for 47 plants from

the island of Hawaii, as well as the proposal to designate critical habitat for Blackburn's sphinx moth.

#### Background

On May 28, 2002, we published a proposed critical habitat rule for 47 of the 58 plant species listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), known historically from the island of Hawaii (67 FR 36968).

A total of 58 species historically found on the island of Hawaii were listed as endangered or threatened species under the Act between 1991 and 1996. Some of these species may also occur on other Hawaiian islands. In previously published proposals we proposed that critical habitat was prudent for 31 (*Achyranthes mutica*, *Adenophorus periens*, *Asplenium fragile* var. *insulare*, *Bonamia menziesii*, *Cenchrus agrimonioides*, *Clermontia lindseyana*, *Clermontia peleana*, *Colubrina oppositifolia*, *Ctenitis squamigera*, *Delissea undulata*, *Diellia erecta*, *Flueggea neowawraea*, *Gouania vitifolia*, *Hedyotis cookiana*, *Hedyotis coriacea*, *Hibiscus brakenridgei*, *Ischaemum byrone*, *Isodendron pyrifolium*, *Mariscus fauriei*, *Mariscus pennatifolius*, *Phlegmariurus mannii*, *Phyllostegia parviflora*, *Plantago princeps*, *Portulaca sclerocarpa*, *Sesbania tomentosa*, *Silene lanceolata*, *Solanum incompletum*, *Spermolepis hawaiiensis*, *Tetramolopium arenarium*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*) of the 58 species reported from the island of Hawaii. No change is made to the 31 proposed prudency determinations in the May 28, 2002, proposed critical habitat rule for plants from Hawaii. In the May 28, 2002, proposal we proposed that designation of critical habitat was not prudent for two species, *Pritchardia affinis* and *Pritchardia schattaueri*, because it would likely increase the threat from vandalism or collection of these species on the island of Hawaii (67 FR 36968). In addition, we proposed that critical habitat designation was not prudent for two species, *Cyanea copelandii* ssp. *copelandii* and *Ochrosia kilaueaensis*, known only from the island of Hawaii, that have not been seen in the wild since 1957 and 1927, respectively, and for which no viable genetic material is known to exist (67 FR 36968). In the May 28, 2002, proposed critical habitat rule, we proposed that designation of critical habitat is prudent for 23 species (*Argyroxiphium kauense*, *Clermontia drepanomorpha*, *Clermontia pyralia*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea platyphylla*, *Cyanea shipmanii*, *Cyanea sticophylla*, *Cyrtandra giffardii*,

*Cyrtandra tintinnabula*, *Hibiscadelphus giffardianus*, *Hibiscadelphus hualalaiensis*, *Isodendron hosakae*, *Melicope zahlbruckneri*, *Neraudia ovata*, *Nothocestrum breviflorum*, *Phyllostegia racemosa*, *Phyllostegia velutina*, *Phyllostegia warshaueri*, *Plantago hawaiiensis*, *Pleomele hawaiiensis*, *Sicyos alba*, *Silene hawaiiensis*, and *Zanthoxylum dipetalum* var. *tomentosum*) for which prudency determinations had not been made previously (67 FR 36968).

We also proposed designation of critical habitat for 47 plant species (*Achyranthes mutica*, *Adenophorus periens*, *Argyroxiphium kauense*, *Asplenium fragile* var. *insulare*, *Bonamia menziesii*, *Clermontia drepanomorpha*, *Clermontia lindseyana*, *Clermontia peleana*, *Clermontia pyricularia*, *Colubrina oppositifolia*, *Cyanea hamatiflora* ssp. *carlsonii*, *Cyanea platyphylla*, *Cyanea shipmanii*, *Cyanea stictophylla*, *Cyrtandra giffardii*, *Cyrtandra tintinnabula*, *Delissea undulata*, *Diellia erecta*, *Flueggea neowawraea*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hibiscadelphus giffardianus*, *Hibiscadelphus hualalaiensis*, *Hibiscus brakckenridgei*, *Ischaemum byrone*, *Isodendron hosakae*, *Isodendron pyrifolium*, *Mariscus fauriei*, *Melicope zahlbruckneri*, *Neraudia ovata*, *Nothocestrum breviflorum*, *Phyllostegia racemosa*, *Phyllostegia velutina*, *Phyllostegia warshaueri*, *Plantago hawaiiensis*, *Pleomele hawaiiensis*, *Portulaca sclerocarpa*, *Sesbania tomentosa*, *Sicyos alba*, *Silene hawaiiensis*, *Silene lanceolata*, *Solanum incompletum*, *Spermolepis hawaiiensis*, *Tetramolopium arenarium*, *Vigna o-wahuensis*, *Zanthoxylum dipetalum* var. *tomentosum*, and *Zanthoxylum hawaiiense*). Critical habitat is not proposed for 4 (*Cyanea copelandii* spp. *copelandii*, *Ochrosia kilaueaensis*, *Pritchardia affinis*, and *Pritchardia schattaueri*) of the 58 species for the reasons given above. Critical habitat is not proposed for 7 (*Cenchrus agrimonioides*, *Ctenitis squamigera*, *Hedyotis cookiana*, *Mariscus pennatifolius*, *Phlegmariurus manni*, *Phyllostegia parviflora*, and *Plantago princeps*) species which no longer occur on the island of Hawaii, and for which we are unable to determine any habitat that is essential to their conservation on the island of Hawaii.

Twenty-eight critical habitat units, totaling approximately 176,968 hectares (437,285 acres), are proposed for designation for 47 plant species on the island of Hawaii. For locations of these proposed units, please consult the

proposed rule (67 FR 36968) that was published May 28, 2002.

Section 4(b)(5)(E) of the Act requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. We received two requests from recreational hunting organizations to hold public hearings, however, one of the requests was received more than 45 days after publication of the proposal. In response to the initial request and as a matter of convenience to the public we will hold two public hearings on the dates and at the addresses described in the **DATES** and **ADDRESSES** sections.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to us. Legal notices announcing the date, time, and location of the public hearing will be published in newspapers concurrently with the **Federal Register** notice.

Persons needing reasonable accommodations in order to attend and participate in the public hearing should contact Patti Carroll at 503/231-2080 as soon as possible. In order to allow sufficient time to process requests, please call no later than 1 week before the hearing date.

Information regarding this proposal is available in alternative formats upon request.

Comments from the public regarding this proposed rule are sought, especially regarding:

(1) The reasons why critical habitat for any of these species is prudent or not prudent as provided by section 4 of the Act and 50 CFR 424.12(a)(1);

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species, as critical habitat is defined by section 3 of the Act;

(3) Specific information on the amount, distribution, and quality of habitat for the 47 species, and what habitat is essential to the conservation of the species and why;

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

(5) Any economic or other impacts resulting from the proposed designations of critical habitat, including any impacts on small entities, energy development, low income households, and local governments;

(6) Economic and other potential values associated with designating critical habitat for the above plant species such as those derived from non-consumptive uses (e.g., hiking, camping, birding, enhanced watershed protection, increased soil retention, "existence values", and reductions in administrative costs);

(7) Information usable under section 4(b)(2) of the Act, in determining if the benefits of excluding an area from critical habitat outweigh the benefits of specifying the area as critical habitat;

(8) The effects of critical habitat designation on military lands, and how it would affect military activities, particularly military activities at the Pohakuloa Training Area lands on the island of Hawaii. Whether there will be a significant impact on military readiness or national security if we designate critical habitat on these facilities. Whether these facilities should be excluded from the designation under section 4(b)(2) of the Act;

(9) Whether Department of Defense lands should be excluded from critical habitat based on an approved Integrated Natural Resource Management Plan (INRMP);

(10) Whether areas which are managed for the conservation of the species should not be included in critical habitat because such areas do not meet the definition of critical habitat contained in section 3(5)(A)(i) of the Act;

(11) Whether areas covered by an approved conservation plan (e.g., Habitat Conservation Plans, Conservation Agreements, Safe Harbor Agreements) should be excluded from critical habitat; and

(12) Whether areas should be excluded under section 4(b)(2) of the Act because critical habitat designation would adversely impact other types of conservation partnerships that are beneficial to the species.

The public comment period for the May 28, 2002, proposal (67 FR 36968) originally closed on July 29, 2002. On August 26, 2002, we published a **Federal Register** notice (67 FR 54766) of the reopening of the comment period for the proposed designations and non-designations of critical habitat for plant species on the island of Hawaii, as well as for the proposed designations and non-designations of critical habitat for plant species on the islands of Kauai, Niihau, Molokai, Maui, Kahoolawe, Oahu, and the Northwestern Hawaiian Islands; and we announced that the comment period would close on September 30, 2002. We are now announcing two public hearings and the

extension of the comment period for the proposed designations and non-designations of critical habitat for plant species on the island of Hawaii. We will accept public comments on the proposal for the island of Hawaii until November 30, 2002. The extension of the comment period gives all interested parties the opportunity to comment on the proposal. Comments already submitted on the proposed designations and non-designations of critical habitat for plant species from the island of Hawaii need not be resubmitted as they will be fully considered in the final determinations. Extension of the comment period will enable us to respond to the requests for a public hearing on the proposed action. Written comments should be submitted to the Service office listed in the **ADDRESSES** section. The comment period now closes on November 30, 2002.

#### Author

The primary author of this notice is Christa Russell (*see* **ADDRESSES** section).

**Authority:** The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 16, 2002.

#### Craig Manson,

*Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 020508114-2114-01; I. D. 030702C]

RIN 0648-AM97

#### Fisheries of West Coast States and in the Western Pacific; Coral Reef Ecosystems Fishery Management Plan for the Western Pacific

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule that would implement those parts of the Fishery Management Plan for Coral Reef Ecosystems of the Western Pacific Region (CREFMP) that have been approved by NMFS. Coral reef ecosystem fisheries in federally managed waters of the western Pacific

U.S. exclusive economic zone (U.S. EEZ) are currently unregulated under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The CREFMP, which was developed by the Western Pacific Fishery Management Council (Council), would apply ecosystem principles to fisheries management to conserve and protect coral reef fisheries, their ecosystems, and associated habitats in the U.S. EEZ around American Samoa, Guam, Hawaii (main Hawaiian Islands), the Commonwealth of the Northern Mariana Islands (CNMI), and the U.S. Pacific remote island areas (PRIA): Howland Island, Baker Island, Jarvis Island, Wake Island, Kingman Reef, Palmyra Atoll, and Johnston Atoll. **DATES:** Comments must be submitted in writing by October 24, 2002.

**ADDRESSES:** Written comments should be sent to Dr. Charles Karnella, Pacific Islands Area Office (PIAO), NMFS, 1601 Kapiolani Blvd, Suite 1110, Honolulu, HI 96814. Comments will not be accepted if submitted via e-mail or the internet. Copies of the CREFMP, environmental impact statement (EIS), regulatory impact review (RIR), and initial regulatory flexibility analysis (IRFA) are available at the Council website, [www.wpcouncil.org](http://www.wpcouncil.org). Requests for a CD or paper copy of these documents can be made by contacting [Jarad.Makaiiau@noaa.gov](mailto:Jarad.Makaiiau@noaa.gov). A copy of the Record of Decision issued by NMFS for the partially approved CREFMP is available at the PIAO website, <http://swr.nmfs.noaa.gov/piao>. Send comments regarding the reporting burden estimate or any other aspect of the collection-of-information requirements in this proposed rule to the NMFS address and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC00503 (Attn: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, at (808) 522-8220 or Dr. Charles Karnella, Administrator, PIAO, at (808) 973-2937.

**SUPPLEMENTARY INFORMATION:** The Council began development of the CREFMP in 1996, with the preparation of an assessment of the coral reef ecosystem resources. Initial scoping hearings were conducted by the Council in June 1999 to obtain public input on a new fishery management plan for these resources. A notice of availability soliciting public comment on the CREFMP's draft environmental impact statement (DEIS) was published in the **Federal Register** on January 12, 2001

(66 FR 1945). Although the comment period ended on February 26, 2001, additional comments were accepted during the month following the closing date.

Four major agency reviews were conducted to ensure completeness, accuracy, and compliance of the draft CREFMP with applicable laws. The Council also conducted 59 public meetings and hearings to receive comments on the draft document. These comments were incorporated into the text of the final CREFMP. The Council adopted the final CREFMP on June 20, 2001, and transmitted it to NMFS on March 8, 2002. A notice of availability was published in the **Federal Register** on March 18, 2002, 67 FR 11971. On June 14, 2002, NMFS partially approved the CREFMP and parallel amendments to the Council's management plans for bottomfish and seamount groundfish fisheries (Bottomfish FMP), pelagic fisheries (Pelagics FMP), precious coral fisheries, and crustacean fisheries of the western Pacific region. The CREFMP was approved, except for that portion of the CREFMP that governs fishing in waters of the U.S. EEZ around the Northwestern Hawaiian Islands (NWHI) west of 160°50' W. long. NMFS disapproved a portion of the plan because it would be inconsistent with, or duplicate, certain provisions of Executive Order 13178 and 13196s, which together establish the NWHI Coral Reef Ecosystem Reserve (Reserve), as authorized by section 6(g) of Public Law 106-513. The Reserve encompasses a portion of the U.S. EEZ around the NWHI from the seaward boundary of the State of Hawaii, out to a distance of 50 nautical miles (nm). Specifically, section 7(b)(5) of Executive Order 13178, one of two executive orders that established the Reserve, prohibits the harvest of almost all living and non-living resources throughout the Reserve, while the CREFMP would actively manage the same species within the same geographical area. The bottomfish fishery in the NWHI will continue to be managed under existing management measures for the Bottomfish FMP, as authorized by the Magnuson-Stevens Act, while the process to designate a national marine sanctuary in the NWHI as directed by section 6(g) of Public Law 106-513, is ongoing. Coral reefs are highly complex, integrated ecosystems. The vast majority of the total area covered by coral reefs under U.S. jurisdiction is located in the western Pacific region and would be managed either by this new fishery management plan or by the NWHI Reserve management regime. The CREFMP