

*Cyanea grimesiana* ssp. *grimesiana*, *Cyanea grimesiana* ssp. *obatae*, *Cyanea humboldtiana*, *Cyanea koolauensis*, *Cyanea longiflora*, *Cyanea pinnatifida*, *Cyanea st.-johnii*, *Cyanea superba*, *Cyanea truncata*, *Cyperus trachysanthos*, *Cyrtandra dentata*, *Cyrtandra polyantha*, *Cyrtandra subumbellata*, *Cyrtandra viridiflora*, *Delissea subcordata*, *Diellia erecta*, *Diellia falcata*, *Diellia unisora*, *Diplazium molokaiense*, *Dubautia herbstobatae*, *Eragrostis fosbergii*, *Eugenia koolauensis*, *Euphorbia haeleleana*, *Flueggea neowawraea*, *Gardenia mannii*, *Gouania meyenii*, *Gouania vitifolia*, *Hedyotis coriacea*, *Hedyotis degeneri*, *Hedyotis parvula*, *Hesperomannia arborescens*, *Hesperomannia arbuscula*, *Hibiscus brackenridgei*, *Isodendron laurifolium*, *Isodendron longifolium*, *Isodendron pyriformis*, *Labordia cyrtandrae*, *Lepidium arbuscula*, *Lipochaeta lobata* var. *leptophylla*, *Lipochaeta tenuifolia*, *Lobelia gaudichaudii* ssp. *koolauensis*, *Lobelia monostachya*, *Lobelia niihauensis*, *Lobelia oahuensis*, *Lysimachia filifolia*, *Mariscus pennatifolius*, *Marsilea villosa*, *Melicope pallida*, *Melicope saint-johnii*, *Myrsine juddii*, *Neraudia angulata*, *Nototrichium humile*, *Pelea lydgatei*, *Peucedanum sandwicense*, *Phlegmariurus nutans*, *Phyllostegia hirsuta*, *Phyllostegia kaalaensis*, *Phyllostegia mollis*, *Phyllostegia parviflora*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Sanicula mariversa*, *Sanicula purpurea*, *Schiedea hookeri*, *Schiedea kaalae*, *Schiedea kealiae*, *Schiedea nuttallii*, *Sesbania tomentosa*, *Silene lanceolata*, *Silene perlmanii*, *Solanum sandwicense*, *Spermolepis hawaiiensis*, *Stenogyne kanehoana*, *Tetramolopium filiforme*, *Tetramolopium lepidotum* ssp. *lepidotum*, *Tetraplasandra gymnocarpa*, *Trematalobelia singularis*, *Urera kaalae*, *Vigna o-wahuensis*, *Viola chamissoniana* ssp. *chamissoniana*, and *Viola oahuensis*) plant species. Critical habitat is not proposed for *Pritchardia munroi* and *Cyrtandra crenata* for the reasons given above. Twenty-five critical habitat units, totaling approximately 45,067 hectares (111,364 acres), are proposed for designation on the island of Oahu.

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. In response to a request from a government agency of the State of Hawaii, we will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections 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 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 one week before the hearing date.

Information regarding this proposal is available in alternate 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 99 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); and

(7) Information for use, 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.

Reopening of the comment period will enable us to respond to the request

for a public hearing on the proposed action. The comment period on this proposal now closes on November 30, 2002. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

#### Author

The primary author of this notice is Michelle Mansker (see **ADDRESSES** section).

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

Dated: October 1, 2002.

**Paul Hoffman,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 02-25721 Filed 10-9-02; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018-AI26**

#### Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon

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

**ACTION:** Proposed rule; notice of public hearing.

**SUMMARY:** We, the Fish and Wildlife Service (Service), provide notice that we are holding three public hearings to take oral comments regarding the proposed rule to designate critical habitat for 4 crustaceans and 11 plants endemic to vernal pools in California and southern Oregon.

**DATES:** We will hold public hearings and a public informational meeting at the following dates and times:

October 22, 2002:

San Luis Obispo, CA

First public hearing: 1 p.m. until 3 p.m.; registration begins at 12:30 p.m. Second public hearing: 6 p.m. until 8 p.m.; registration begins at 5:30 p.m. October 24, 2002:

Sacramento, CA

First public hearing: 1 p.m. until 3 p.m.; registration begins at 12:30 p.m.

Second public hearing: 6 p.m. until 8 p.m.; registration begins at 5:30 p.m.

Medford, OR

Public informational meeting: 1:30

p.m. until 3:30 p.m.  
Public hearing: 6 p.m. until 8 p.m.;  
registration begins at 5:30 p.m.

Written comments on the proposed rule (67 FR 59884) must still be received by the date published in the proposed rule.

**ADDRESSES:** The public hearings and public informational meeting will be held at the following locations:

San Luis Obispo, CA: Embassy Suites,  
333 Madonna Road.

Sacramento, CA: Radisson Hotel, 500  
Leisure Lane.

Medford, OR: Red Lion Hotel, 200 N.  
Riverside Avenue.

Written comments and materials concerning the proposed critical habitat designation for 4 vernal pool crustaceans and 11 vernal pool plants in California and Southern Oregon (67 FR 59884) should be sent to Wayne S. White, Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way Room W-2605, Sacramento, CA 95825. Written comments may also be sent by facsimile to 916/414-6713 or through the internet to [fwl\\_vernalpool@fws.gov](mailto:fwl_vernalpool@fws.gov). You may also hand-deliver written comments to our Sacramento Fish and Wildlife Office, at the above address, or at any of the public hearings mentioned above.

Comments and materials received, as well as supporting documentation used in the preparation of the proposed critical habitat designation rule, will be available for public inspection, by appointment, during normal business hours, at the above address. You may obtain copies of the proposed rule from the above address, by calling 916/414-6600, or from our Web site at <http://sacramento.fws.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Arnold Roessler or Susan Moore at the above address (telephone 916/414-6600, facsimile 916/414-6713 or visit our Web site at <http://sacramento.fws.gov/>). Information regarding this proposal is available in alternative formats upon request.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 24, 2002, we published a proposed rule to designate critical habitat, pursuant to the Endangered Species Act of 1973, as amended (Act) for 4 vernal pool crustaceans and 11 vernal pool plants (67 FR 59884). The purpose of the public hearings announced here is to take oral comments on the proposed critical habitat designation.

Critical habitat consists of specific areas on which are found physical or

biological characteristics essential to the conservation of a threatened or endangered species. The designation of critical habitat does not establish a preserve or regulate purely private uses of land. However, the Act does require Federal agencies to avoid taking actions that are likely to result in the destruction or adverse modification of critical habitat and to consult with us regarding how to best to avoid such destruction or adverse modification. Critical habitat designations also inform the public regarding areas of special importance for the conservation of the threatened or endangered species involved.

The four vernal pool crustaceans involved in this critical habitat designation are the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*). The eleven vernal pool plant species are Butte County meadowfoam (*Linnanthus floccosa ssp. californica*), Contra Costa goldfields (*Lasthenia conjugens*), Hoover's spurge (*Chamaesyce hooveri*), succulent (or fleshy) owl's-clover (*Castilleja campestris ssp. succulenta*), Colusa grass (*Neostapfia colusana*), Greene's tuctoria (*Tuctoria greenei*), hairy Orcutt grass (*Orcuttia pilosa*), Sacramento Orcutt grass (*Orcuttia viscida*), San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*), slender Orcutt grass (*Orcuttia tenuis*), and Solano grass (*Tuctoria mucronata*). We are proposing a total of 128 units of critical habitat for these 15 species, totaling approximately 672,920 hectares (ha) (1,662,762 acres (ac)) in 36 counties in California and one county in Oregon.

All the species listed above live in vernal pools (shallow depressions that hold water seasonally), swales (shallow drainages that carry water seasonally), and ephemeral freshwater habitats. None are known to occur in riverine waters, marine waters, or other permanent bodies of water. The vernal pool habitats of these species have a discontinuous distribution west of the Sierra Nevada that extends from southern Oregon through California into northern Baja California, Mexico. The species have all adapted to the generally mild climate and seasonal periods of inundation and drying which help make the vernal pool ecosystems of California and southern Oregon unique.

**Public Comments Solicited**

We solicit additional information and comments that may assist us in making a final decision on the proposed rule to designate critical habitat for 4 vernal

pool crustaceans and 11 vernal pool plants. We intend our final critical habitat designation to identify as accurately and effectively as possible those areas possessing characteristics essential to the conservation of the species. We will also take into account any economic or other impacts which this designation might cause. Therefore, we request comments and additional information from the general public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. Comments are particularly sought concerning:

(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 areas under consideration require additional special management;

(2) Specific information on the amount and distribution of any of the vernal pool crustaceans or vernal pool plants and what habitat is essential to the conservation of these species and why;

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat; in particular, in Oregon, we seek information related to potential of selected parcels to contribute to the species recovery, considering their zoning, adjacent land uses, watershed integrity, and potential for edge effects (related to shape of parcel);

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

(5) Economic and other values associated with designating critical habitat for vernal pool crustaceans and vernal pool plants such as those derived from non-consumptive uses (e.g., hiking, camping, bird-watching, enhanced watershed protection, improved air quality, increased soil retention, "existence values," and reductions in administrative costs);

(6) Whether any areas should be excluded pursuant to section 4(b)(2); and

(7) Whether our approach to critical habitat designation could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concern and comments.

Anyone wishing to make an oral comment or statement for the record at any of the hearings listed above is encouraged (but not required) to also provide a written copy of the statement and to present it to us at the hearing.

Oral comments will be transcribed. 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, faxed or emailed to us. Legal notices announcing the date, time, and location of the public hearings will be published in newspapers concurrently with this **Federal Register** notice. We will hold public informational meetings in various locations in California and will publicize the dates and locations in the local news media.

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 one week before the hearing date.

Previously submitted written comments on this proposal need not be resubmitted. Please submit electronic mail comments as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: [RIN 1018-AI26]" and your name and return address in your electronic message. If you do not receive a confirmation from our system that we have received your e-mail message, contact us directly by calling our Sacramento Fish and Wildlife Office at telephone number 916/414-6600.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Sacramento Fish and Wildlife Office, at the above address.

#### **Author**

The primary author of this notice is Glen Tarr (see **ADDRESSES** section).

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

Dated: October 1, 2002.

#### **Paul Hoffman,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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