

Frequency or band	Class of station(s)	Limitations	Coordinator
465.675	do	61, 62.	
465.68125	do	33, 61, 62.	
465.6875	do	30, 61, 62, 69.	
465.69375	do	33, 61, 62.	
465.700	do	61, 62.	
465.70625	do	33, 61, 62.	
465.7125	do	30, 61, 62, 69.	
465.71875	do	33, 61, 62.	
465.725	do	61, 62.	
465.73125	do	33, 61, 62.	
465.7375	do	30, 61, 62, 69.	
465.74375	do	33, 61, 62.	
465.750	do	61, 62.	
465.75625	do	33, 61, 62.	
465.7625	do	30, 61, 62, 69.	
465.76875	do	33, 61, 62.	
465.775	do	61, 62.	
465.78125	do	33, 61, 62.	
465.7875	do	30, 61, 62, 69.	
465.79375	do	33, 61, 62.	
465.800	do	61, 62.	
465.80625	do	33, 61, 62.	
465.8125	do	30, 61, 62, 69.	
465.81875	do	33, 61, 62.	
465.825	do	61, 62.	
465.83125	do	33, 61, 62.	
465.8375	do	30, 61, 62, 69.	
465.84375	do	33, 61, 62.	
465.850	do	61, 62.	
465.85625	do	33, 61, 62.	
465.8625	do	30, 61, 62, 69.	
465.86875	do	33, 61, 62.	
465.875	do	61, 62.	
465.88125	do	33, 61, 62.	
465.8875	do	30, 61, 62, 69.	
465.89375	do	33, 61, 62.	

\* \* \* \* \*

(c) \* \* \*  
 (48) Except as noted in paragraph (c)(61) of this section, operation on this frequency is limited to a maximum of 100 watts effective radiated power in accordance with the maximum ERP and reference HAAT for a specific service area radius provisions of § 90.205 table 2.

\* \* \* \* \*

[FR Doc. 02-29437 Filed 11-20-02; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AH76**

**Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for Scotts Valley Polygonum (*Polygonum hickmanii*)**

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

**ACTION:** Proposed rule; reopening of public comment periods; notice of

availability of draft economic analysis and final addendum.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft economic analysis and final addendum for the proposed designation of critical habitat for Scotts Valley polygonum (*Polygonum hickmanii*), a species restricted to the northern Scotts Valley area in Santa Cruz County, California. We are also reopening the comment periods for the proposal to list this species as endangered and on the proposal to designate critical habitat for this species to allow all interested parties to comment simultaneously on the proposed rules, draft economic analysis, and final addendum. The economic analysis shows a range of likely costs from the designation of the proposed critical habitat of between \$165,000 to \$565,000 over a 10-year period. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this extended comment period, and will be fully considered in the final rule.

**DATES:** We will accept comments until December 6, 2002. Comments must be

received by 5 p.m. on the closing date. Any comments that are received after the closing date may not be considered in the final decisions.

**ADDRESSES:** Written comments and information should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003. Written comments may also be sent by fax to 805-644-3958 or hand-delivered to our Ventura Fish and Wildlife Office at the above address. You may also send comments by electronic mail (e-mail) to [fw1svpolygonum@r1.fws.gov](mailto:fw1svpolygonum@r1.fws.gov).

You may view comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, by appointment, during normal business hours in the U.S. Fish and Wildlife Service's Ventura Fish and Wildlife Office at the above address. You may obtain copies of the proposed rule and draft economic analysis from the above address, by calling 805-644-1766, or from our Web site at <http://ventura.fws.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, at the above

address (telephone 805-644-1766; facsimile 805-644-3958).

#### SUPPLEMENTARY INFORMATION:

#### Background

*Polygonum hickmanii* is a small, erect, taprooted annual in the buckwheat family (Polygonaceae). It grows from 2 to 5 centimeters (cm) (1 to 2 inches (in)) tall, and can be either single stemmed or profusely branching near the base in more mature plants. The linear-shaped leaves are 0.5 to 3.5 cm (0.2 to 1.4 in) long and 1 to 1.5 cm (0.4 to 0.6 in) wide and tipped with a sharp point. The single white flowers consist of two outer petals and three inner petals and are found in the axils of the bracteal leaves. The plant flowers from late May to August. Seed production ranges from a few dozen in a typical individual to as many as 200 in a particularly robust individual (Randy Morgan, biological consultant, pers. comm., 1998). Although pollination for this species has not been studied, Morgan observed a sphecid wasp (family Sphecidae) visitation to an individual of *P. hickmanii* (R. Morgan, pers. comm., 1998). Other potential pollinators have not been identified at this time, and the degree to which *P. hickmanii* depends on insect pollinators (rather than being self-pollinated) has not been determined. The nearest location of a closely related species, *Polygonum parryi*, is at Mount Hamilton, about 48 kilometers (km) (30 miles (mi)) inland. *P. hickmanii* differs from *P. parryi* in its larger white flowers, longer leaves, larger anthers and seeds, and longer, straight stem sheath (Hinds and Morgan 1995).

*Polygonum hickmanii* is known from two sites about 1.6 km (1 mi) apart at the northern end of Scotts Valley in Santa Cruz County, California. The species is found on gently sloping to nearly level fine-textured shallow soils over outcrops of Santa Cruz mudstone and Purisima sandstone (Hinds and Morgan 1995). *Polygonum hickmanii* occurs with *Chorizanthe robusta* var. *hartwegii* (Scotts Valley spineflower), a federally endangered species, and other small annual herbs in patches within a more extensive annual grassland habitat. These small patches have been referred to as "wildflower fields" because they support a large number of native herbs, in contrast to the adjacent annual grasslands that support a greater number of non-native grasses and herbs. While the wildflower fields are underlain by shallow, well-draining soils, the surrounding annual grasslands are underlain by deeper soils with a greater water-holding capacity, and

therefore more easily support the growth of non-native grasses and herbs. The surface soil texture in the wildflower fields tends to be consolidated and crusty rather than loose and sandy (Biotic Resources Group (BRG) 1998). Elevation of the sites is from 215 to 245 meters (m) (700 to 800 feet (ft)) (Hinds and Morgan 1995).

*Polygonum hickmanii* and *Chorizanthe robusta* var. *hartwegii* are associated with a number of native herbs including goldfields (*Lasthenia californica*), sandwort (*Minuartia douglasii*), California sandwort (*Minuartia californica*), gilia (*Gilia clivorum*), owl's clover (*Castilleja densiflora*), sky lupine (*Lupinus nanus*), brodiaea (*Brodiaea terrestris*), Mount Diablo cottonweed (*Stylocline amphibola*), Gray's clover (*Trifolium grayii*), and coast tarplant (*Hemizonia corymbosa*). Non-native species present include filago (*Filago gallica*) and rattail (*Vulpia myuros*) (California Natural Diversity Data Base (CNDDDB) 1998; R. Morgan, pers. comm., 1998). In many cases, the habitat also supports a crust of mosses and lichens (BRG 1998).

Approximately 11 colonies of *Polygonum hickmanii* occur on 2 sites in the Scotts Valley area. The first site is located north of Casa Way and west of Glenwood Drive in northern Scotts Valley. Referred to as the Glenwood site, it contains five colonies of *P. hickmanii* that occur on two privately owned parcels of land. Several colonies are situated within a 4-hectare (ha) (9-acre (ac)) preserve on a 19-ha (48-ac) parcel that is owned by the Scotts Valley Unified School District (Denise Duffy and Associates 1998), and other colonies are located approximately 0.08 km (0.13 mi) to the west of the School District colony on a parcel of land owned by the Salvation Army (CNDDDB 1998).

Additional patches of suitable but unoccupied habitat for *Polygonum hickmanii*, Scotts Valley spineflower, and other wildflower field taxa have been mapped on adjacent parcels directly east and north of the School District preserve (Denise Duffy and Associates 1998). These parcels are owned by American Dream/Glenwood L.P. A residential development has been approved for construction; it includes a proposed open space parcel that includes all of the suitable but unoccupied habitat for *P. hickmanii* (Impact Sciences 2000a).

The second site is referred to as the "Polo Ranch" site. Located just east of Highway 17 and north of Navarra Road in northern Scotts Valley, this site is approximately 1.6 km (1 mi) east of the

Salvation Army and School District colonies. Colonies within the Polo Ranch site occur on a parcel of land owned by Greystone Homes (Lyons, *in litt.*, 1997). Six colonies of *Polygonum hickmanii*, as well as Scotts Valley spineflower, occur within 0.2 km (0.1 mi) of each other on the Polo Ranch site (Lyons, *in litt.*, 1997; Impact Sciences 2000b).

Pursuant to the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), *Polygonum hickmanii* was proposed as endangered on November 9, 2000 (65 FR 67335). On February 15, 2001, we published in the **Federal Register** (66 FR 10440) a rule proposing critical habitat for *P. hickmanii* and *Chorizanthe robusta* var. *hartwegii* concurrently. Since a final listing determination had not been made for *P. hickmanii*, on September 19, 2001, we published in the **Federal Register** (66 FR 48227) a notice requesting the public to comment on the draft economic analysis for only *C. robusta* var. *hartwegii*. Based on the comments received, a final addendum to the draft economic analysis was prepared. The final addendum for the economic analysis included both species because it was based on the proposed critical habitat designation. The final critical habitat determination for *C. robusta* var. *hartwegii* was published on May 29, 2002 (67 FR 37336). A final critical habitat determination has not been made for *P. hickmanii*. We anticipate publishing the final listing and critical habitat determinations for *P. hickmanii* concurrently.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available, after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the *Polygonum hickmanii*, and comments received during the previous comment period, we have prepared a draft economic analysis and final addendum of the proposed critical habitat designation.

Copies of the draft economic analysis and final addendum are available on the Internet at <http://www.r1.fws.gov> or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003.

#### Public Comments Solicited

We have reopened the comment periods at this time in order to accept the best and most current scientific and

commercial data available regarding the proposed listing and critical habitat determinations for *Polygonum hickmanii*, and the draft economic analysis and final addendum associated with the designation of critical habitat. Previously submitted written comments on the listing or critical habitat proposals need not be resubmitted. We will accept written comments and information during this reopened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

You may mail or hand-deliver written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003. Hand deliveries must be made during normal business hours.

You may also send comments by electronic mail (e-mail) to [fw1svppolygonum@r1.fws.gov](mailto:fw1svppolygonum@r1.fws.gov). Please submit electronic comments in ASCII file format and avoid the use of special characters and encryption. Please include "Attn: RIN 1018-AH82" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Ventura Fish and Wildlife Office at phone number 805/644-1766.

We solicit comments or suggestions from the public, other concerned governmental agencies, tribes, the scientific community, industry, or any other interested parties concerning the proposal or the draft economic analysis. We particularly seek comments concerning:

(1) Does the analysis adequately address the indirect effects *eg*: property tax losses due to reduced home construction, losses to local business due to reduced construction activity.

(2) Does the analysis accurately define and capture opportunity costs.

#### Author

The primary author of this notice is Connie Rutherford (*see ADDRESSES* section).

#### Authority

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

Dated: November 7, 2002.

#### Paul Hoffman,

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

[FR Doc. 02-29621 Filed 11-19-02; 8:45 am]

BILLING CODE 4310-55-P

## 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 availability of draft economic analysis; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce the availability of the draft economic analysis for the proposed designation of critical habitat for four vernal pool crustaceans and eleven vernal pool plants in California and southern Oregon. The economic analysis identifies potential costs between \$6 and \$7 million per year as a result of the designation of critical habitat, including those costs coextensive with listing. We are extending the comment period for the proposal to designate critical habitat for these species to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this extended comment period, and will be fully considered in the final rule.

**DATES:** We will accept comments on both the draft economic analysis and the proposed critical habitat designation until December 23, 2002.

**ADDRESSES:** Written comments and information should be submitted to Wayne White, Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825. Written comments may also be sent by fax to 916/414-6710 or hand-delivered to our Sacramento Fish and Wildlife Office at the above address. You may also send comments by electronic mail (e-mail) to [fw1\\_vernalpool@fws.gov](mailto:fw1_vernalpool@fws.gov).

You may view comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, by appointment, during normal business hours in the U.S. Fish and Wildlife Service's Sacramento Fish and Wildlife Office at the above address. You may obtain

copies of the proposed rule and draft economic analysis 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, Sacramento Fish and Wildlife Office, at the address above (telephone 916/414-6600; facsimile 916/414-6710).

#### 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 four vernal pool crustaceans and eleven vernal pool plants (67 FR 59884). 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 (*Limnanthes 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 proposed 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.

Critical habitat receives protection from destruction or adverse modification through required