

### Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning—

(1) Biological, commercial trade, or other relevant data concerning threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulations on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for one or more public hearings on this proposal, if requested. Requests must be

received within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and be addressed to the Ecoregion Manager (See **ADDRESSES** section).

### National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

### Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866.

### References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Pacific Islands Office (see **ADDRESSES** above).

Author: The primary author of this document is Adam Asquith, Ecological Services, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541-3441).

### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

### Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under INSECTS, to the List of Endangered and Threatened Wildlife to read as follows:

### § 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* INSECTS	*	*	*	*	*		*
* Moth, Blackburn's Sphinx.	* <i>Manduca blackburni</i>	* U.S.A. (HI) .....	* NA .....	* E	* NA	* NA	* NA
*	*	*	*	*	*		*

Dated: February 12, 1997.

**John G. Rogers,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 97-8350 Filed 4-1-97; 8:45 am]

BILLING CODE 4310-55-P

### 50 CFR Part 17

RIN 1018-AD09

### Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Proposed Rule To List Five Plants and a Lizard From Monterey County, California, as Endangered or Threatened

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

**ACTION:** Proposed rule; Notice of reopening of comment period.

**SUMMARY:** The Fish and Wildlife Service (Service), pursuant to the Endangered

Species Act of 1973, as amended (Act), gives notice that the comment period is reopened on the proposed rule to list *Astragalus tener* var. *titi* (coastal dunes milk-vetch), *Piperia yadonii* (Yadon's piperia), *Potentilla hickmanii* (Hickman's potentilla), *Trifolium trichocalyx* (Monterey clover) and the black legless lizard (*Anniella pulchra nigra*) as endangered; and *Cupressus goveniana* ssp. *goveniana* (Gowen cypress) as threatened. The comment period has been reopened to allow all interested parties to submit new information on the proposal and to provide opportunity for comment on the

new information on distribution and abundance of *Piperia yadonii* that was submitted at the end of the previous comment period.

**DATES:** The public comment period closes on May 2, 1997. Any comments received by the closing date will be considered in the final decision on this proposal.

**ADDRESSES:** Written comments and materials concerning this proposal should be sent directly to the Field Supervisor, Ventura Field Office, 2493 Portola Road, Suite B, Ventura, California, 93003. Comments and materials received will be available for inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Diane Steeck of the Ventura Field Office (see **ADDRESSES** section) at (805)644-1766 or facsimile (805)644-3958).

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 2, 1995, the Service published a rule proposing endangered status for *Astragalus tener* var. *titi* (coastal dunes milk-vetch), *Piperia yadonii* (Yadon's piperia), *Potentilla hickmanii* (Hickman's potentilla), *Trifolium trichocalyx* (Monterey clover) and the black legless lizard (*Anniella pulchra nigra*); and threatened status for

*Cupressus goveniana* ssp. *goviana* (Gowen cypress).

These six taxa are currently found primarily along the coast of northern Monterey County, California. An extant population of *Potentilla hickmanii* is also known from San Mateo County. The five plant taxa and the lizard are threatened by one or more of the following: alteration, destruction, and fragmentation of habitat resulting from urban and golf course development; recreational activities; military activities; competition with non-native species; and alteration of natural fire cycles. Due to their small number of individuals, several taxa are also threatened with extinction due to random natural events or unforeseen human activities.

The initial comment period closed on October 9, 1995. Although a public hearing was requested, a hearing could not be held during the initial comment period, due to a Federal moratorium on final listing actions (Pub. L. 104-6), which had taken effect on April 10, 1995 and stipulated that no funds could be used to make final listing or critical habitat determinations. Once the Federal moratorium was lifted, on April 26, 1996, and funding was restored, the Service scheduled the public hearing and reopened the comment period. The public hearing was held on August 20, 1996, and the comment period closed on August 30, 1996. At the public

hearing, new information was presented on the distribution and abundance of *Piperia yadonii*. This information was included in a report received by the Service on August 30, 1996. The Service believes that the new information on the distribution and abundance of *Piperia yadonii* is significant and is providing the public an opportunity to comment on it. In addition to comments on *Piperia yadonii*, the Service requests any additional information on the species listed in the proposed rule, including:

(1) Biological, commercial, or other relevant data on any threats (or lack thereof) to any of the species, and;

(2) Additional information on the size, number or distribution of populations of any of the species.

Comments may be submitted through May 2, 1997 to the Service office in the **ADDRESSES** section.

**Author**

The primary author of this notice is Diane Steeck (see **ADDRESSES** section).

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

Dated: March 17, 1997.

**Michael J. Spear,**

*Regional Director, Region 1, Fish and Wildlife Service.*

[FR Doc. 97-7448 Filed 4-1-97; 8:45 am]

BILLING CODE 4310-55-P