

- Weniger, D. 1979. Status report on *Echinocereus lloydii*. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 11 pp.
- Weniger, D. 1970. Cacti of the southwest. University of Texas Press, Austin, Texas. 249 pp.
- Zimmerman, A.D. 1993. Systematics of *Echinocereus X roetteri* (Cactaceae), including Lloyd's hedgehog-cactus. Southwestern Rare and Endangered Plants; Proceedings of the Southwestern Rare and Endangered Plant Conference. Forestry and Resources Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department. Miscellaneous Publication 2:270-288.

Authors

The primary author of this document is Kathryn Kennedy, Austin Ecological Services Field Office (refer to ADDRESSES section).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended, 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.

§ 17.12 [Amended]

2. Section 17.12(h) is amended by removing the entry for "*Echinocereus lloydii*" under "FLOWERING PLANTS" from the List of Endangered and Threatened Plants.

Dated: May 13, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 990615162-9162-01; I.D. 122298A]

RIN 0648-AM73

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Effective Date of Red Snapper Bag Limit Reduction

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

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: An emergency interim rule is in effect through June 29, 1999, that reduces the daily bag limit for red snapper possessed in or from the exclusive economic zone (EEZ) of the Gulf of Mexico from five fish to four fish. NMFS extends the emergency interim rule for an additional 180 days. The intended effects of this rule are to maintain the current 4-fish bag limit consistent with the Gulf of Mexico Fishery Management Council's intent, avoid angler confusion that otherwise would result from an unintended in-season change in the bag limit, and help ensure that the recreational quota is not exceeded.

DATES: The effective date for the emergency interim rule published at 63 FR 72200, December 31, 1998, is extended from June 29, 1999, through December 26, 1999.

ADDRESSES: Copies of documents supporting this rule may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Roy Crabtree, phone: 727-570-5305 or fax: 727-570-5583.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) prepared the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico (FMP). Regulations at 50 CFR part 622 implement the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

In response to a request from the Council, NMFS published an emergency interim rule (63 FR 72200, December 31, 1998), under section 305(c)(1) of the Magnuson-Stevens Act, that reduced the

daily bag limit for red snapper possessed in or from the EEZ of the Gulf of Mexico from five fish to four fish. This reduction in the bag limit was, and still is, necessary to maintain the recreational harvest rate at a level that will allow the recreational fishing season to be extended without exceeding the quota. The December 31, 1998, emergency interim rule is effective through June 29, 1999. Under the FMP framework procedure for regulatory adjustments, the Council has submitted a regulatory amendment to NMFS for review that contains a proposed reduction in the red snapper bag limit from five fish to four fish. If NMFS approves and implements the proposed bag limit reduction in the regulatory amendment, it is unlikely that it could be implemented prior to expiration of the current emergency interim rule on June 29, 1999. The result would be a temporary in-season change in the red snapper bag limit that would cause angler confusion and an increase in harvest rate that would be inconsistent with the current management regime. To avoid these negative impacts, NMFS extends the effective date of the emergency interim rule, consistent with section 305(c)(3)(B) of the Magnuson-Stevens Act, for 180 days beyond the June 29, 1999, expiration date that was specified for the emergency interim rule published December 31, 1998 (63 FR 72200).

NMFS solicited public comments on the initial emergency interim rule; no comments were received. On June 8, 1999, NMFS issued an emergency interim rule to increase the minimum size limit for red snapper in the Gulf EEZ from 15 inches (38.1 cm) to 18 inches (45.7 cm) for persons subject to the bag limit and to announce the closure of the recreational red snapper fishery in the Gulf EEZ effective 12:01 a.m., local time, August 29, 1999 (64 FR 30445, June 8, 1999). Upon closure of the recreational red snapper fishery, the bag limit becomes zero and will remain so until the recreational fishery is reopened, as provided by 50 CFR 622.43(a)(1)(ii).

Additional details concerning the basis for the reduction of the red snapper bag limit are contained in the preamble to the initial emergency interim rule and are not repeated here.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that the extension of the emergency interim rule is necessary to maintain regulatory consistency, to avoid confusion among the regulated public, and to help ensure that the recreational

red snapper quota is not exceeded. The AA has also determined that this extension is consistent with the Magnuson-Stevens Act and other applicable laws.

This extension of the emergency interim rule is not subject to review under E.O. 12866.

NMFS prepared an economic evaluation of the regulatory impacts associated with the emergency interim rule. The economic evaluation indicates that the major effects of the emergency interim rule are the generation of non-quantifiable positive economic benefits, compared with those of the status quo that should accrue because of consistency of bag limit measures throughout the year and of a lengthening of the recreational fishery's open season. The economic consequences of the rule are summarized as ranging from a small to a significant increase in economic

benefits for the recreational red snapper fishery. Copies of the economic evaluation are available (see **ADDRESSES**).

The extension of the emergency interim rule continues the current 4-fish red snapper bag limit, thereby maintaining a recreational harvest rate consistent with extending the recreational red snapper fishing season without exceeding the recreational quota. The rule will also avoid angler confusion that otherwise could result from an inadvertent in-season change in the bag limit. A delay in implementing this action would result in unnecessary adverse impacts on those entities dependent on the red snapper recreational fishery, including the associated fishing communities. Accordingly, pursuant to authority set forth at 5 U.S.C. 553(b)(B), the AA finds that these reasons constitute good cause

to waive the requirement to provide prior notice and the opportunity for prior public comment because the delay associated with such procedures would be contrary to the public interest.

Similarly, under 5 U.S.C. 553(d)(3), the AA finds for good cause that a 30-day delay in the effective date of this rule would be contrary to the public interest.

Because prior notice and an opportunity for public comment are not required to be provided for this extension by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Dated: June 17, 1999.

Penelope D. Dalton, Assistant Administrator for Fisheries, National Marine Fisheries Service.

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