

Your comments must not be more than 15 pages long (49 CFR 553.21). We established this limit to encourage the preparation of comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

In addition, for those comments of 4 or more pages in length, we request that you send 2 additional copies, as well as one copy on computer disc, to: Mr. John Lee, Light Duty Vehicle Division, NPS-11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

We emphasize that this is not a requirement. However, we ask that you do this to aid us in expediting our review of all comments. The copy on computer disc may be in any format, although we would prefer that it be in WordPerfect 8.

Comments may also be submitted to the docket electronically by logging onto the Dockets Management System website at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to obtain instructions for filing the document electronically.

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Will the Agency Consider Late Comments?

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How Can I Read the Comments Submitted by Other People?

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- (2) On that page, click on "search."
- (3) On the next page (<http://dms.dot.gov/search/>), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA-1998-1234," you would type "1234." After typing the docket number, click on "search."
- (4) On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You can then download the comments.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Issued: July 13, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00-18245 Filed 7-18-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 594

[Docket No. NHTSA 2000-7629; Notice 1]
RIN 2127-A111

Schedule of Fees Authorized by 49 U.S.C. 30141

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.
ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes fees for Fiscal Year 2001 and until further notice, as authorized by 49 U.S.C. 30141, relating to the registration of importers and the importation of motor vehicles not certified as conforming to the Federal motor vehicle safety standards (FMVSS). These fees are needed to maintain the registered importer (RI) program.

DATES: Comments are due on the proposed rule August 18, 2000.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590 (Docket hours are from 10 a.m. to 5 p.m.)

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, Office of Safety Assurance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Introduction

On June 24, 1996, at 61 FR 32411, we published a notice that discussed in full the rulemaking history of 49 CFR part 594 and the fees authorized by the Imported Vehicle Safety Compliance Act of 1988, Pub. L. 100-562, since recodified as 49 U.S.C. 30141-47. The reader is referred to that notice for background information relating to this rulemaking action. Certain fees were initially established to become effective January 31, 1990, and have been in effect and occasionally modified since then.

The fees applicable in any fiscal year are to be established before the beginning of such year. We are proposing fees that would become effective on October 1, 2000, the beginning of FY 2001. The statute authorizes fees to cover the costs of the importer registration program, to cover the cost of making import eligibility determinations, and to cover the cost of processing the bonds furnished to the Customs Service. We last amended the fee schedule in 1998; it has applied in Fiscal Years 1999-2000.

The fees are based on actual time and costs associated with the tasks for which the fees are assessed and reflect the slight increase in hourly costs in the past two fiscal years attributable to the approximately 3.68 and 4.94 percent raise (including the locality adjustment for Washington, DC) in salaries of employees on the General Schedule that became effective on January 1 each year in the years 1999 and 2000.

Requirements of the Fee Regulation

Section 594.6—Annual Fee for Administration of the Importer Registration Program

Section 30141(a)(3) of Title 49 U.S.C. provides that RIs must pay “the annual fee the Secretary of Transportation establishes * * * to pay for the costs of carrying out the registration program for importers * * *.” This fee is payable both by new applicants and by existing RIs. In order for it to maintain its registration, at the time it submits its annual fee, each RI must also file a statement affirming that the information it previously furnished in its registration application (or as later amended) remains correct (49 CFR 592.5(e)).

In accordance with the statutory directive, we reviewed the existing fees and their bases in an attempt to establish fees which would be sufficient to recover the costs of carrying out the registration program for importers for at least the next two fiscal years. The initial component of the Registration Program Fee is the fee attributable to processing and acting upon registration applications. We have tentatively determined that this fee should be increased from \$290 to \$345 for new applications. We have also tentatively determined that the fee representing the review of the annual statement should be increased from \$149 to \$177. The adjustments proposed reflect our recent experience in time spent reviewing both new applications and annual statements with accompanying documentation, as well as the inflation factor attributable to Federal salary increases and locality adjustments in the past two years since the regulation was last amended.

We must also recover costs attributable to maintenance of the registration program which arise from our need to review a registrant’s annual statement and to verify the continuing validity of information already submitted. These costs also include anticipated costs attributable to possible revocation or suspension of registrations.

Based upon our review of the costs associated with this program, the portion of the fee attributable to the

maintenance of the registration program is approximately \$239 for each RI, an increase of \$38. When this \$239 is added to the \$345 representing the registration application component, the cost to an applicant equals \$584, which is the fee we propose. This represents an increase of \$93 from the existing fee. When the \$239 is added to the \$177 representing the annual statement component, the total cost to the RI is \$416, which represents an increase of \$66.

Sec. 594.6(h) recounts indirect costs that were previously estimated at \$12.12 per man-hour. This should be raised \$1.78, to \$13.90, based on the agency costs discussed above.

Sections 594.7, 594.8—Fees To Cover Agency Costs in Making Importation Eligibility Determinations

Section 30141(a)(3) also requires registered importers to pay “other fees the Secretary of Transportation establishes to pay for the costs of * * * (B) making the decisions under this subchapter.” This includes decisions on whether the vehicle sought to be imported is substantially similar to a motor vehicle originally manufactured for import into and sale in the United States, and certified as meeting the FMVSS, and whether it is capable of being readily altered to meet those standards. Alternatively, where there is no substantially similar U.S. motor vehicle, the decision is whether the safety features of the vehicle comply with or are capable of being altered to comply with the FMVSS. These decisions are made in response to petitions submitted by RIs or manufacturers, or pursuant to the Administrator’s initiative.

The fee for a vehicle imported under an eligibility decision made pursuant to a petition is payable in part by the petitioner and in part by other importers. The fee to be charged for each vehicle is the estimated *pro rata* share of the costs in making all the eligibility determinations in a fiscal year.

Inflation and the small raises under the General Schedule also must be taken into account in the computation of costs. However, we have been able to reduce our processing costs through combining several decisions in a single **Federal Register** notice as well as achieving efficiencies through improved word processing techniques.

Accordingly, we propose to reduce the fee of \$199 presently required to accompany a “substantially similar” petition to \$175, but to increase from \$721 to \$800 the fee for petitions for vehicles that are not substantially

similar and that have no certified counterpart. In the event that a petitioner requests an inspection of a vehicle, the fee for such an inspection will remain at \$550 for each of those types of petitions.

The importer of each vehicle determined to be eligible for importation pursuant to a petition currently must pay \$125 upon its importation, the same fee applicable to those whose vehicles covered by an eligibility determination on the agency’s initiative (other than vehicles imported from Canada that are covered by code VSA 80–83, for which no eligibility determination fee is assessed). This fee will change due to the different costs associated with petitions. For petitions based on non-substantially similar vehicles, the fee would remain at \$125. For petitions based on substantially similar vehicles, the fee would be reduced from \$125 to \$105. Costs associated with previous eligibility determinations on the agency’s own initiative will have been recovered by October 1, 2000. We would apply the fee of \$125 per vehicle only to vehicles covered by determinations made by the agency on its own initiative on and after October 1, 2000.

Section 594.9—Fee To Recover the Costs of Processing the Bond

Section 30141(a)(3) also requires a registered importer to pay “any other fees the Secretary of Transportation establishes * * * to pay for the costs of—(A) processing bonds provided to the Secretary of the Treasury” upon the importation of a nonconforming vehicle to ensure that the vehicle will be brought into compliance within a reasonable time or if the vehicle is not brought into compliance within such time, that it is exported, without cost to the United States, or abandoned to the United States.

The statute contemplates that we will make a reasonable determination of the cost to the United States Customs Service of processing the bond. In essence, the cost to Customs is based upon an estimate of the time that a GS–9, Step 5 employee spends on each entry, which Customs has judged to be 20 minutes.

Because of the modest salary and locality raises in the General Schedule that were effective at the beginning of 1999 and 2000, we propose that the current processing fee be increased by \$0.35, from \$5.40 per bond to \$5.75.

Section 594.10—Fee for Review and Processing of Conformity Certificate

This fee currently requires each RI to pay \$16 per vehicle to cover the cost of the agency's review of the certificate of conformity furnished to the Administrator. However, if a RI enters a vehicle with the U.S. Customs Service through the Automated Broker Interface (ABI), has an e-mail address to receive communications from NHTSA, and pays the fee by credit card, the fee is \$13. Based upon an analysis of the direct and indirect costs for the review and processing of these certificates, we find that the costs continue to average \$16 per vehicle for non-automated entries, and we therefore are not proposing a change in this fee. We estimate that there has been a reduction in cost to the agency for automated entries of approximately \$7, and this would be passed on to the RI by reducing the fee from \$13 to \$6 per vehicle if all the information in the ABI entry is correct. Because errors in ABI entries eliminate the time-saving advantages of electronic entry, the processing cost will remain at \$16 for certificates of conformity or ABI entries containing incorrect information.

Effective Date

The proposed effective date of the final rule is October 1, 2000.

Rulemaking Analyses

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under Executive Order 12866. Further, NHTSA has determined that the action is not significant under Department of Transportation regulatory policies and procedures. Based on the level of the fees and the volume of affected vehicles, NHTSA currently anticipates that the costs of the final rule will be so minimal as not to warrant preparation of a full regulatory evaluation. The action does not involve any substantial public interest or controversy. There will be no substantial effect upon State and local governments. There will be no substantial impact upon a major transportation safety program. Both the number of registered importers and determinations are estimated to be comparatively small. A regulatory evaluation analyzing the economic impact of the final rule adopted on September 29, 1989, was prepared, and is available for review in the docket.

B. Regulatory Flexibility Act

The agency has also considered the effects of this action in relation to the Regulatory Flexibility Act (5 U.S.C. 601

et seq.). I certify that this action will not have a substantial economic impact upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The proposed amendment would primarily affect entities that currently modify nonconforming vehicles and which are small businesses within the meaning of the Regulatory Flexibility Act; however, the agency has no reason to believe that a substantial number of these companies cannot pay the fees proposed by this action which are only modestly increased (and in some instances decreased) from those now being paid by these entities, and which can be recouped through their customers. The cost to owners or purchasers of altering nonconforming vehicles to conform with the FMVSS may be expected to increase (or decrease) to the extent necessary to reimburse the registered importer for the fees payable to the agency for the cost of carrying out the registration program and making eligibility decisions, and to compensate Customs for its bond processing costs.

Governmental jurisdictions will not be affected at all since they are generally neither importers nor purchasers of nonconforming motor vehicles.

C. Executive Order 13132 (Federalism)

Executive Order 13132 (64 FR 43255, August 10, 1999), revokes and replaces Executive Orders 12612 "Federalism" and 12875 "Enhancing the Intergovernmental Partnership." Executive Order 13132 requires NHTSA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." Executive Order 13132 defines the term "Policies that have federalism implications" to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, NHTSA may not issue a regulation that has federalism implication, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or NHTSA consults with State and local officials early in the process of developing the proposed regulation.

The proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rulemaking action.

D. National Environmental Policy Act

NHTSA has analyzed this action for purposes of the National Environmental Policy Act. The action will not have a significant effect upon the environment because it is anticipated that the annual volume of motor vehicles imported through registered importers will not vary significantly from that existing before promulgation of the rule.

E. Civil Justice

This proposed rule does not have a retroactive or preemptive effect. Judicial review of a rule based on this proposal may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the cost, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Because a final rule based on this proposal would not have an effect of \$100 million, no Unfunded Mandates assessment has been prepared.

G. Plain Language

Executive Order 12866 and the President's memorandum of June 1, 1998, require each agency to write all rules in plain language. Application of the principles of plain language include consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the proposed rule clearly stated?
- Does the proposed rule contain technical language or jargon that is unclear?
- Would a different format (grouping and order of sections, use of heading, paragraphing) make the rule easier to understand?

- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this document.

Request for Comments

How Do I Prepare and Submit Comments?

Your comments must be written in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

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Will the Agency Consider Late Comments?

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List of Subjects in 49 CFR Part 594

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 594 would be amended as follows:

PART 594—SCHEDULE OF FEES AUTHORIZED BY 49 U.S.C. 30141

1. The authority citation for part 594 would remain to read as follows:

Authority: 49 U.S.C. 30141, 31 U.S.C. 9701; delegation of authority at 49 CFR 1.50.

2. Section 594.6 would be amended by:

- (a) Revising the introductory text of paragraph (a),
- (b) Revising paragraph (b),
- (c) Revising the year "1998" in paragraph (d) to read "2000,"
- (d) Revising the final sentence of paragraph (h); and
- (e) Revising paragraph (i) to read as follows:

§ 594.6 Annual fee for administration of the registration program.

(a) Each person filing an application to be granted the status of a Registered Importer pursuant to part 592 of this chapter on or after October 1, 2000, must pay an annual fee of \$584, as calculated below, based upon the direct and indirect costs attributable to: * * *

(b) That portion of the initial annual fee attributable to the processing of the application for applications filed on and after October 1, 2000, is \$345. The sum of \$345, representing this portion, shall not be refundable if the application is denied or withdrawn.

(h) * * * This cost is \$13.90 per man-hour for the period beginning October 1, 2000.

(i) Based upon the elements, and indirect costs of paragraphs (f), (g), and (h) of this section, the component of the initial annual fee attributable to administration of the registration program, covering the period beginning October 1, 2000, is \$239. When added to the costs of registration of \$345, as set forth in paragraph (b) of this section, the costs per applicant to be recovered through the annual fee are \$584. The annual renewal registration fee for the period beginning October 1, 2000, is \$416.

3. Section 594.7 would be amended by revising paragraph (e) to read as follows:

§ 594.7 Fee for filing petitions for a determination whether a vehicle is eligible for importation.

(e) For petitions filed on and after October 1, 2000, the fee payable for seeking a determination under paragraph (a)(1) of this section is \$175. The fee payable for a petition seeking a determination under paragraph (a)(2) of this section is \$800. If the petitioner requests an inspection of a vehicle, the sum of \$550 shall be added to such fee. No portion of this fee is refundable if the petition is withdrawn or denied.

4. Section 594.8 would be amended by revising paragraph (c) to read as follows:

§ 594.8 Fee for importing a vehicle pursuant to a determination by the Administrator.

* * * * *

(c) If a determination has been made on or after October 1, 2000, pursuant to the Administrator's initiative, the fee for each vehicle is \$125. * * *

5. Section 594.9 would be amended by revising paragraph (c) to read as follows:

§ 594.9 Fee for reimbursement of bond processing costs.

* * * * *

(c) The bond processing fee for each vehicle imported on and after October 1, 2000, for which a certificate of conformity is furnished, is \$5.75.

5. Section 594.10 would be amended by adding two new sentences at the end of paragraph (d) to read as follows:

§ 594.10 Fee for review and processing of conformity certificate.

* * * * *

(d) * * * However, if the vehicle covered by the certificate has been entered electronically with the U.S. Customs Service through the Automated Broker Interface and the registered importer submitting the certificate has an e-mail address, the fee for the certificate is \$6, provided that the fee is paid by a credit card issued to the registered importer. If NHTSA finds that the information in the entry or the certificate is incorrect, requiring further processing, the processing fee shall be \$16.

Issued on: July 7, 2000.

Kenneth N. Weinstein,
Associate Administrator for Safety Assurance.

[FR Doc. 00-18012 Filed 7-18-00; 8:45 am]

BILLING CODE 4910-52-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AG24

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Plant *Lesquerella thamnophila* (Zapata Bladderpod)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of supplementary information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose designation of critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for the plant *Lesquerella thamnophila* (Rollins & Shaw) (Zapata bladderpod). Proposed critical habitat includes approximately 2,157 hectares (ha) (5,330 acres(ac)) of the Lower Rio Grande Valley National Wildlife Refuge property in Starr County, Texas, a 402 meter (m) (0.25 mile (mi)) length of highway right-of-way at each of two sites located along Highway 83, in Zapata County, Texas, and a 0.55 ha (1.36 ac) site on private land in Starr County, Texas. If this proposal is made final, section 7 of the Act would prohibit destruction or adverse modification of the critical habitat by any activity funded, authorized, or carried out by any Federal agency. Section 4 of the Act requires us to consider economic and other relevant impacts of specifying any particular area as critical habitat. We are preparing an economic analysis of this action and will announce its availability for public review and comment at a later date. In addition, we are preparing an Environmental Assessment of this action pursuant to the National Environmental Policy Act. The draft Environmental Assessment may be obtained for review and comment by contacting us (see **ADDRESSES**). We solicit data and comments from the public on all aspects of this proposal, including data on the economic and other impacts of the designation. We may revise this proposal to incorporate or address new information received during the comment period.

DATES: We will accept comments until September 18, 2000. We will hold a public meeting and hearing in Rio Grande City on August 24, 2000, regarding this proposal. We will hold the meeting from 5:00 p.m. to 7:00 p.m., and, immediately following the meeting, we will hold the hearing from 7:00 p.m. to 9:00 p.m.

ADDRESSES: Send comments and materials to: Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, c/o Texas A&M University-Corpus Christi, Campus Box 338, 6300 Ocean Drive, Corpus Christi, TX 78412. We will make comments and materials received available for public inspection, by appointment, during normal business hours at the above address. We will hold the public meeting and public hearing at the Rio Grande City Activity Center, Fort Ringgold Highway (Highway 83), Rio Grande City, Texas.

FOR FURTHER INFORMATION CONTACT:

Loretta Pressly, Corpus Christi Ecological Services Field Office, at the address above (Telephone 361/994-9005; facsimile 361/994-8262).

SUPPLEMENTARY INFORMATION:

Background

Lesquerella thamnophila is a pubescent (covered with short hairs), somewhat silvery-green herbaceous perennial plant, with sprawling stems 43-85 centimeters (cm) (17-34 inches (in)) long. The plant exhibits a taproot system demonstrating a perennial life habit. It possesses narrow basal leaves 4-12 cm (1.5-4.8 in) long, and 7-15 millimeters (mm) (0.3-0.6 in) wide, with entire (undivided) to wavy or slightly toothed margins. Stem leaves are 3-4 cm (1-1.5 in) long and 2-8 mm (0.1-0.3 in) wide, with margins similar to basal leaves. The bright yellow-petaled flowers are bunched loosely on a single stem. The flowers appear at different seasons of the year depending upon timing of rainfall, with the lower flowers maturing first. Fruits are round, 4.5-6.5 mm (0.2-0.8 in) in diameter, and located on short, downward curving pedicels (slender stalks) (Poole 1989). Little is known of the population genetics, structure, or dynamics of the species.

Lesquerella thamnophila, a member of the Brassicaceae (Cruciferae-Mustard) Family, was first collected in Zapata County, Texas, by R. C. Rollins in 1959. The species was named *Lesquerella thamnophila* in 1973 by R. C. Rollins and E. A. Shaw in their review of the genus *Lesquerella* (Rollins and Shaw 1973). The few collected specimens of *Lesquerella thamnophila* have all come from Starr and Zapata Counties in Southern Texas, except for one specimen that has been identified from Tamaulipas, Mexico.

Habitat Characteristics

All known populations of *Lesquerella thamnophila* in the United States occur in Starr and Zapata Counties, Texas, within approximately 3.22 kilometers (km) (2 mi) of the Rio Grande. These populations are found on upland sites that have not had previous soil disruption and are relatively free of nonnative species. Soil types sites suggest that the species is not closely tied to a specific soil texture; but the soil textures ranges from clay (Catarina soils) to fine sandy loam (Copita soils). Many of the known populations occur on soils with moderate alkalinity.

Lesquerella thamnophila can occur on graveled to sandy-loam upland terraces above the Rio Grande floodplain. The known populations are associated with