Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

Part 76 of Title 47 of the U.S. Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

2. Section 76.55 is amended by revising paragraphs (e)(1) through (e)(6) to read as follows:

§ 76.55 Definitions applicable to the must-carry rules.

* * * * *

(e) *Television market.* (1) Until January 1, 2000, a commercial broadcast television station's market, unless amended pursuant to § 76.59, shall be defined as its Area of Dominant Influence (ADI) as determined by Arbitron and published in the Arbitron 1991–1992 Television ADI Market Guide, as noted, except that for areas outside the contiguous 48 states, the market of a station shall be defined using Nielsen's Designated Market Area (DMA), where applicable, as published in the Nielsen 1991–92 DMA Market and Demographic Rank Report, and that Puerto Rico, the U.S. Virgin Islands, and Guam will each be considered a single market.

(2) Effective January 1, 2000, a commercial broadcast television station's market, unless amended pursuant to § 76.59, shall be defined as its Designated Market Area (DMA) as determined by Nielsen Media Research and published in its *DMA Market and Demographic Rank Report* or any successor publication.

(i) For the 1999 election pursuant to § 76.64(f), which becomes effective on January 1, 2000, DMA assignments specified in the 1997–98 *DMA Market and Demographic Rank Report*, available from Nielsen Media Research, 299 Park Avenue, New York, NY, shall be used.

(ii) The applicable DMA list for the 2002 election pursuant to § 76.64(f) will be the DMA assignments specified in the 2000–2001 list, and so forth for each triennial election pursuant to § 76.64(f).

(3) In addition, the county in which a station's community of license is located will be considered within its market.

(4) A cable system's television market(s) shall be the one or more ADI markets in which the communities it serves are located until January 1, 2000, and the one or more DMA markets in which the communities it serves are located thereafter.

(5) In the absence of any mandatory carriage complaint or market modification petition, cable operators in communities that shift from one market to another, due to the change in 1999–2000 from ADI to DMA, will be permitted to treat their systems as either in the new DMA market, or with respect to the specific stations carried prior to the market change from ADI to DMA, as in both the old ADI market and the new DMA market.

(6) If the change from the ADI market definition to the DMA market definition in 1999–2000 results in the filing of a mandatory carriage complaint, any affected party may respond to that complaint by filing a market modification request pursuant to § 76.59, and these two actions may be jointly decided by the Commission.

* * * * *

3. Section 76.59 is amended by revising paragraphs (b) and (c) to read as follows:

§ 76.59 Modification of television markets.

* * * * *

(b) Such requests for modification of a television market shall be submitted in accordance with § 76.7, petitions for special relief, and shall include the following evidence:

(1) A map or maps illustrating the relevant community locations and geographic features, station transmitter sites, cable system headend locations, terrain features that would affect station reception, mileage between the community and the television station transmitter site, transportation routes and any other evidence contributing to the scope of the market.

(2) Grade B contour maps delineating the station's technical service area and showing the location of the cable system headends and communities in relation to the service areas.

Note to paragraph (b)(2): Service area maps using Longley-Rice (version 1.2.2) propagation curves may also be included to support a technical service exhibit.

(3) Available data on shopping and labor patterns in the local market.

(4) Television station programming information derived from station logs or the local edition of the television guide.

(5) Cable system channel line-up cards or other exhibits establishing historic carriage, such as television guide listings.

(6) Published audience data for the relevant station showing its average all day audience (i.e., the reported audience averaged over Sunday-Saturday, 7 a.m.–1 a.m., or an equivalent time period) for both cable and noncable households or other specific audience indicia, such as station advertising and sales data or viewer contribution records.

(c) Petitions for Special Relief to modify television markets that do not include such evidence shall be dismissed without prejudice and may be refiled at a later date with the appropriate filing fee.

[FR Doc. 99–15959 Filed 6–23–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD91

Endangered and Threatened Wildlife and Plants; Final Rule To Remove the Plant ''Echinocereus lloydii'' (Lloyd's Hedgehog Cactus) From the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, are removing the plant *Echinocereus lloydii* (Lloyd's hedgehog cactus), from the Federal List of Endangered and Threatened Species under the authority of the Endangered Species Act of 1973, as amended (Act). Lloyd's hedgehog cactus was listed as endangered on October 26, 1979, as a result of threats presented by collection and highway projects. Recent evidence indicates that Lloyd's hedgehog cactus is not a distinct species but rather a hybrid or cross which is not evolving independently of its parental species. Therefore, *E. lloydii* no longer qualifies for protection under the Act. Removing Lloyd's hedgehog cactus from the list constitutes our recognition of its hybrid status and removes Federal protection under the Endangered Species Act.

DATES: This rule is effective July 26, 1999.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service's Austin Texas Field Office, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758.

FOR FURTHER INFORMATION CONTACT: Kathryn Kennedy, botanist, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758, (telephone 512/490–0057; facsimile 512/490–0974).

SUPPLEMENTARY INFORMATION:

Background

Echinocereus lloydii (Lloyd's hedgehog cactus), a member of the cactus family, was first collected by F.E. Lloyd in 1909 and was named in his honor by Britton and Rose (1922). The first plants collected by Mr. Lloyd were from near Fort Stockton, Pecos County, Texas (Weniger 1970). Lloyd's hedgehog cactus is cylindrical with one or several ribbed stems which grow up to about 20 centimeters (cm) (8 inches (in)) high and 10 cm (4 in) in diameter. The flowers vary a great deal in color from lavender to magenta, are about 5 cm (2 in) in diameter, and form mature fruits that are green tinged with pink or orange when ripe. (Correll and Johnston 1979, Poole and Riskind 1987).

Lloyd's hedgehog cactus is known from Brewster, Culberson, Pecos, and Presidio Counties, Texas, and Eddy County, New Mexico. It has also been reported from the state of Chihuahua in Mexico. Currently fewer than 15 populations are known, most occurring on private lands.

We listed Lloyd's hedgehog cactus as an endangered species on October 26, 1979 (44 FR 61916), under the authority of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et. seq.*) At the time of listing, botanists considered Lloyd's hedgehog cactus a distinct species threatened by over-collection, habitat loss or alteration due to highway construction and maintenance, and potentially by overgrazing.

The physical characteristics of specimens of Lloyd's hedgehog cactus were long recognized as intermediate between those of *Echinocereus dasyacanthus* (Texas rainbow cactus) and *Echinocerus coccineus* (a species of claret-cup cactus). Several theories emerged as to how this intermediacy may have arisen. One theory was that Lloyd's hedgehog cactus represented a primitive ancestral evolutionary lineage (ancestry), which diversified over time to give rise to two new lineages producing E. *dasyacanthus* and *E. coccineus.* A second theory was that Lloyd's hedgehog cactus was of more recent hybrid origin, the result of ancient hybridization or crossing between *E. dasyacanthus* and *E. coccineus*, but now an independent taxon or group of organisms recognizable as a species.

While reports of interspecific hybridization (cross between two species) between members of the genus *Echinocereus* were known, hybridization between *E. coccineus* and *E. dasyacanthus* seemed highly unlikely as the two species differ greatly in morphology (structure and form), have different predominant pollinators (one hummingbird pollinated, the other bee pollinated), and generally grow in different habitats; the first being a more mesic species (average moisture) and the latter being more typically found in more open desert. In addition, in sites where the plants were grown or seen in proximity to each other they were observed to bloom at different times with little if any overlap. While many hybrids are sterile, plants of *E. lloydii* are fertile and able to reproduce. In addition, because these wild populations have persisted over time, treatment as a distinct species was generally accepted.

Steve Brack (U.S. Fish and Wildlife Service 1985) reported locating *E. lloydii* only in proximity to *E. dasyacanthus* and *E. coccineus*. This apparent lack of isolation combined with the intermediate appearance of the plants raised questions about the taxonomic interpretation of *E. lloydii* as a distinct species. These taxonomic questions supported the possibility that Lloyd's hedgehog cactus might be a result of recent and sporadic hybridization events, with these wild populations simply representing relatively unstable hybrid swarms that are not evolving independently and are not recognizable as a species. In response to this new information we determined that the question of the hybrid status of Lloyd's hedgehog cactus should be further investigated.

In studies by Powell, Zimmerman, and Hilsenbeck (1991) and Powell (1995) the progeny resulting from the artificial crossing of *E. dasyacanthus* and *E. coccineus* and naturally occurring *E. lloydii* was examined using artificial cross-pollination (cross fertilization), morphological analyses (analysis of structure and form), pollen stainability studies (using slide stain techniques to assess the viability of pollen), chromosome counts, and phytochemical analysis (plant chemical). Their research demonstrated that hybrids between *E. dasyacanthus* and *E. coccineus* could be easily produced, closely resembled the naturally occurring *E. lloydii*, and were interfertile and able to backcross to the parental species. One theory resulting from this work was that if fertile hybrids were produced in the wild, they could presumably multiply and backcross to the parental species forming the sort of persistent intermediate populations of high variability which are found naturally in the wild. This suggests that Lloyd's hedgehog cactus may have arisen as a result of hybridization between these other two species of *Echinocereus*, both of which are common and not protected by the Act.

The probability that Lloyd's hedgehog cactus arose through hybridization (crossbreeding) rather than representing a persistent ancestral condition was heightened by Powell *et al.'s* (1991) finding that naturally occurring *E. lloydii* have tetraploid chromosome numbers (four times the normal chromosome numbers), as do *E. dasyacanthus* and *E. coccineus.* Tetraploid chromosome numbers are considered an advanced or recently derived characteristic in the family Cactaceae, rather than a primitive one. Zimmerman (1993) made additional observations on pollinators and other ecological and phenological (the study of periodicity in relation to climate and environment) isolating mechanisms, examined the primitive and advanced species of the *E. dasyacanthus* and *E. coccineus* taxonomic groups (rainbow cacti and claret-cup cacti) and *E. lloydii*, and performed cladistic analyses (analysis of the order of evolutionary decent). This work resulted in his agreement that Lloyd's hedgehog cactus is not primitive and probably arose as a result of hybridization.

The conclusion that plants recognized as *E. lloydii* arose through hybridization raised questions about the integrity or cohesiveness of populations and whether they were a sufficiently distinct, isolated and independently evolving genome (genetic entity) that they should be recognized as distinct species. Powell *et al.* (1991) and Powell (1995), in their phytochemical, morphological, and crossing studies detected no unique characters or reproductive isolation that would demonstrate any independent evolution had occurred. Though their study lacked comprehensive examination and interpretation of populations in the field and throughout the known range, they suggested that populations recognized as *E. lloydii* might represent mere hybrids, and should probably at best be recognized only as an illegitimate species recognized nomenclaturally (by scientific name) for purposes of identification. They designated their artificially produced hybrids as *Echinocereus* X *lloydii*.

Zimmerman (1993) examined geographical distribution, correlations with geographic variation across the range of *E. lloydii* and its parental

species, and population characteristics at several sites in the wild. He found that *E. lloydii* was only found in areas where both *E. dasyacanthus* and *E. coccineus* occur. Further, sites with plants known as *E. lloydii* were not uniform in appearance, and exhibited great variation among individuals consistent with a pattern of backcrossing or introgression with the parental species. Zimmerman could find no evidence of reproductive isolation in the field. Zimmerman found that blooming time overlapped both parental species, and hybrid individuals did not exhibit any significant habitat preference that would provide any significant separation from the parental species, concluding that *E. lloydii* is not a legitimate species. Zimmerman's review of the nomenclature resulted in the recommendation that plants formerly recognized as *E. lloydii* should properly be referred to as *Echinocereus* X *roetteri* var. *neomexicanus*.

Previous Federal Action

Federal action concerning Lloyd's hedgehog cactus began with Section 12 of the original Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51 was presented to Congress on January 9, 1975. A notice was published on July 1, 1975 (40 FR 27823), of our acceptance of the report of the Smithsonian Institution as a petition to list these species, including *Echinocereus lloydii,* under Section 4(c)(2), now section 4(b)(3)(A) of the Act.

The report was published in the **Federal Register** on July 1, 1975 (40 FR 27823–27924), and provided notice of our intention to review the status of the plant taxa named within. On June 16, 1976, we published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) proposing the listing of approximately 1,700 vascular plant species as endangered under Section 4 of the Act. *Echinocereus lloydii* was included in this list. In response to our proposal of June 16, 1976, four hearings were held in July and August of 1976, in the following locations: Washington, D.C.; Honolulu, Hawaii; El Segundo, California; and Kansas City, Missouri. We held a fifth public hearing on July 9, 1979, in Austin, Texas for seven Texas cacti, including *E. lloydii,* and one fish.

We published a final rule in the **Federal Register** on June 24, 1977 (42 FR 32373–32381, codified at 50 CFR 17) detailing the regulations to protect Endangered and Threatened plant species. These regulations codified the prohibitions of the Act and established procedure for the permitting of certain activities under the Act. We published a final rule to list the Lloyd's hedgehog cactus as an endangered species on October 26, 1979 (44 FR 61916).

We initiated our review of new information and the status of Lloyd's hedgehog cactus in 1994 and a draft proposed delisting rule was forwarded to the Washington Office on April 4, 1995. However, a listing moratorium (Public Law 104–6, April 10, 1995) and rescission of listing program funding in Fiscal Year 1996 disrupted our listing program. This moratorium was lifted and our listing program funding was restored on April 26, 1996. We issued guidance on May 16, 1996 (61 FR 24722), setting priorities for restarting the listing program that included processing of proposed delistings already in the Washington Office. The proposed rule for delisting Lloyd's hedgehog cactus was published on June 14, 1996 (61 FR 30209). The public comment period on the proposed rule closed August 13, 1996.

Our listing priority guidance for Fiscal Year 1997, finalized December 5, 1996 (61 FR 64475), precluded the final delisting decision and processing of this final rule. Our 1997 guidance determined that, given limited resources, enacting conservation protection for the backlog of listing actions for high priority imperiled species merited priority. Delistings and reclassifications actions were given our lowest priority.

With the publication of listing priority guidance for Fiscal Years 1998 and 1999 on May 8, 1998 (63 FR 25502), we returned to a more balanced listing program. Delisting and reclassification actions are now in the lowest priority position within Tier 2 actions. With resources allocated to all types of Tier 2 listing actions, work on the final determination for Lloyd's hedgehog cactus resumed.

In our June 14, 1996 (61 FR 30209), proposed rule, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. One hundred and fifteen letters of notification were sent to appropriate Federal and State agencies, county governments, scientific organizations, and other interested parties requesting comment. Newspaper notices were published in the *Carlsbad Current-Argus* on June 22, 1996, The *El Paso Times* on June 25, 1996, the *Fort Stockton Pioneer* on June 27, 1996, and in the *Van Horn Advocate* on June 27 and July 4. We received five responses, all supporting delisting. One response was from the U.S. Forest Service, three were from botanists familiar with Lloyd's hedgehog cactus and one was from the president of a landowner's group. One response included a scientific paper published in 1995 after the proposed rule had been drafted and transmitted to Washington, which was not previously reviewed. This paper is cited in this final rule, and is a slight extension of earlier work supporting the hybrid nature of Lloyd's hedgehog cactus.

During the public comment period we invited peer review of the conclusions and supporting information from four qualified systematic botanists. In response we received two responses, both concurring that Lloyd's hedgehog cactus is not a distinct species.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, we have determined that Lloyd's hedgehog cactus should be removed from the List of Threatened and Endangered Plants. Procedures found at section 4(a)(1) of the Act (16 U.S.C. 1531 *et seq.*) and regulations implementing the delisting provisions of the Act (50 CFR Part 424) were followed. The regulations at 50 CFR 424.11(d) state that a species may be delisted if (1) it becomes extinct, (2) it recovers, or (3) the original classification data were in error.

Since the time of listing, additional study has shown that Lloyd's hedgehog cactus is not a distinct species but a hybrid. After a review of the species' taxonomy, we conclude, based on the best scientific and commercial information available, that the original listing decision was based on a taxonomic interpretation subsequently demonstrated to be incorrect. Lloyd's hedgehog cactus no longer qualifies for protection under the Act because it does not conform with the definition of species.

A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). At the time of listing it was believed that Lloyd's hedgehog cactus was a distinct species and that several of these factors were relevant to its status. These factors and their application to *Echinocereus lloydii* Britt. & Rose (Lloyd's hedgehog cactus) were discussed in detail in the final rule (44 FR 61916) and included:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The

primary concern in our prior rulemaking was that Lloyd's hedgehog cactus was vulnerable from past and potential habitat destruction due to highway construction and maintenance, and the potential destructive impacts of overgrazing in the rural rangeland habitat.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* At the time of the final rule and continuing today, *Echinocereus lloydii* is in world-wide demand by collectors of rare cacti. Removal of plants from the wild has resulted in the depletion of natural populations.

C. *Disease or predation.* At the time of listing it was felt that *Echinocereus lloydii,* particularly young plants, could suffer possible adverse affects from trampling by grazing cattle. The final rule reported that light grazing did not seem to affect the species, however, intensified grazing could threaten the continued existence of *E. lloydii.*

D. *The inadequacy of existing regulatory mechanisms.* At the time *Echinocereus lloydii* was listed, the states of Texas and New Mexico had no laws protecting endangered and threatened plants. Since the listing, both states have enacted protective laws and regulations for plants. Lloyd's hedgehog cactus is on the New Mexico State List of Plant Species (9–10–10 NMSA 1978; NMFRCD Rule No. 91–1) and on the Texas List of Endangered, Threatened, or Protected Plants (Chapter 88, Texas Parks and Wildlife Code).

On July 1, 1975, Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was amended to include all members of the family Cactaceae. CITES is an international treaty established to prevent international trade that may be detrimental to the survival of plants and animals. A CITES export permit must be issued by the exporting country before an Appendix II species may be shipped. CITES permits may not be issued if the export will be detrimental to the survival of the species or if the specimens were not legally acquired. However, CITES does not regulate take or domestic trade.

E. *Other natural or manmade factors affecting its continued existence.* The final rule contained some discussion of the low numbers of populations and the resulting restricted gene pool as a factor that could intensify the adverse effects of other threats.

The determination that Lloyd's hedgehog cactus should be delisted is based upon evidence that it is a hybrid that does not qualify for protection under the Act, rather than on the control of threats. Since Lloyd's hedgehog cactus is a hybrid which continues to be produced by the two parent species, the number of *E. lloydii* populations is no longer significant.

We have carefully assessed the best scientific and commercial information available regarding the conclusion that *Echinocereus lloydii* is a hybrid that does not qualify for protection under the Act in determining to make this rule final. Based on this evaluation, the preferred action is to remove Lloyd's hedgehog cactus from the list of Endangered and Threatened Plants.

In accordance with 5 U.S.C. 553(d), we have determined that this rule relieves an existing restriction and good cause exists to make this rule effective immediately. Delay in implementation of this delisting would cost government agencies staff time and monies on conducting Section 7 consultation on actions which may affect the Lloyd's hedgehog cactus, when this hybrid should no longer come under the protection of the Act. Lifting the existing restrictions associated with the listing of this species will enable Federal agencies to minimize any delays in project planning and implementation for actions that may affect Lloyd's hedgehog cactus.

Effects of the Final Rule

This action removes Lloyd's hedgehog cactus from the List of Endangered and Threatened Plants. The Act and its implementing regulations set forth a series of general prohibitions that apply to all endangered plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, currently apply to Lloyd's hedgehog cactus. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for plants listed as endangered, the Act prohibits the malicious damage or destruction on areas under Federal jurisdiction and the removal, cutting, digging up, or damaging or destroying endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. These prohibitions will no longer apply to Lloyd's hedgehog cactus.

The requirements of Section 7 of the Act will also no longer apply to Lloyd's hedgehog cactus and Federal agencies will no longer be required to consult on their actions that may affect Lloyd's hedgehog cactus.

The 1988 amendments to the Act require that all species which have been delisted due to recovery be monitored for at least 5 years following delisting. Lloyd's hedgehog cactus is being delisted because the taxonomic interpretation that it is a valid species has been found to be incorrect, and Lloyd's hedgehog cactus is an unstable hybrid rather than a distinct taxon. Therefore no monitoring period following delisting is required.

Some protection for Lloyd's hedgehog cactus will remain in place. All native cacti, including hybrids, are on Appendix II of CITES. CITES regulates international trade of cacti, but does not regulate trade within the United States or prevent habitat destruction.

National Environmental Policy Act

We have determined that an Environmental Assessment, 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 basis for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Benson, L. 1982. The cacti of the United States and Canada. Stanford University Press, Stanford, California. 1044 pp.

Britton, N.L. and J.N. Rose. 1922. The Cactaceae. Vol. III 258:37–38.

Correll, D.S., and M.C. Johnston. 1979. Manual of the vascular plants of Texas. The University of Texas at Dallas, Richardson, Texas. 1881 pp.

Poole, J.M., and D.H. Riskind. 1987. Endangered, threatened, or protected native plants of Texas. Texas Parks and Wildlife Department, Austin, Texas.

Poole, J.M., and A.D. Zimmerman. 1985. Endangered species information system species record, *Echinocereus lloydii.* U.S. Fish and Wildlife Service, Division of Endangered Species, Washington, D.C.

Powell, A.M., A.D. Zimmerman, and R.A. Hilsenbeck. 1991. Experimental documentation of natural hybridization in Cactaceae: origin of Lloyd's hedgehog cactus, *Echinocereus X lloydii.* Plant Systematics and Evolution 178:107–122.

Powell, A.M. 1995. Second generation experimental hybridizations in the *Echinocereus* X *Lloydii* complex (Cactaceae), and further documentation of dioecy in *E. coccineus.* Pl. Syst. Evol. 196:63–74.

U.S. Fish and Wildlife Service. 1985. Minutes of the Joint Meeting, Region 2 Plant Recovery Teams, January 10–11, 1985. Region 2, Albuquerque, New Mexico.

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.

[FR Doc. 99–16029 Filed 6–23–99; 8:45 am]

BILLING CODE 4310–55–P

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