

that may result in expenditures of \$100 million or more for State, local or tribal governments in the aggregate, or for the private sector, in any one year. It is questionable whether a redesignation would constitute a federal mandate in any case. The obligation for the state to revise its State Implementation Plan that arises out of a redesignation is not legally enforceable and at most is a condition for continued receipt of federal highway funds. Therefore, it does not appear that such an action creates any enforceable duty within the meaning of section 421(5)(a)(i) of UMRA (2 U.S.C. 658(5)(a)(i)), and if it does the duty would appear to fall within the exception for a condition of Federal assistance under section 421(5)(a)(i)(I) of UMRA (2 U.S.C. 658(5)(a)(i)(I)).

Even if a redesignation were considered a Federal mandate, the anticipated costs resulting from the mandate would not exceed \$100 million to either the private sector or state, local and tribal governments. Redesignation of an area to nonattainment does not, in itself, impose any mandates or costs on the private sector, and thus, there is no private sector mandate within the meaning of section 421(7) of UMRA (2 U.S.C. 658(7)). The only cost resulting from the redesignation itself is the cost to the State of California of developing, adopting and submitting any necessary SIP revision. Because that cost will not exceed \$100 million, this proposal (if it is a federal mandate at all) is not subject to the requirements of sections 202 and 205 of UMRA (2 U.S.C. 1532 and 1535). EPA has also determined that this proposal would not result in regulatory requirements that might significantly or uniquely affect small governments because only the State would take any action as result of today's rule, and thus the requirements of section 203 (2 U.S.C. 1533) do not apply.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: December 11, 1997.

Felicia Marcus,

Regional Administrator, Region IX.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE36

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Reopening of Comment Period on Proposed Endangered Status for Three Aquatic Snails, and Proposed Threatened Status for Three Aquatic Snails in the Mobile River Basin of Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of a public hearing on the proposed endangered status for the cylindrical lioplax (*Lioplax cyclostomaformis*), flat pebblesnail (*Lepyrium showalteri*), and plicate rocksnail (*Leptoxis plicata*); and the proposed threatened status for the painted rocksnail (*Leptoxis taeniata*), round rocksnail (*Leptoxis ampla*), and lacy elimia (*Elimia crenatella*). The Service also announces the reopening of the comment period for these actions. The public hearing and the reopening of the comment period will allow additional comments on this proposal to be submitted from all interested parties.

DATES: The public hearing will be held from 7 to 10 p.m. on Tuesday, January 13, 1998, in Birmingham, Alabama. The comment period now closes on January 23, 1998. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: The public hearing will be held at the Dwight Beeson Hall Auditorium on the campus of Samford University, 800 Lakeshore Drive, Birmingham, Alabama 35229. Written comments and materials concerning the proposal may be submitted at the hearing or sent directly to the Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul Hartfield (see ADDRESSES section), 601/965-4900, extension 25.

SUPPLEMENTARY INFORMATION:

Background

The six aquatic snail species are endemic to portions of the Mobile River Basin, Alabama. The cylindrical lioplax, flat pebblesnail, and round rocksnail are found in the Cahaba River drainage; the lacy elimia and painted rocksnail are in the Coosa River drainage; and the plicate rocksnail is in the Black Warrior River drainage. All six species have disappeared from 90 percent or more of their historic range. Known populations are restricted to small portions of stream drainages. The past decline of the snails is attributed to impoundment, habitat fragmentation, and water quality degradation. Current threats include the gradual and cumulative effects of sedimentation and eutrophication originating from nonpoint sources on the snails' localized and isolated stream refugia.

On October 17, 1997, the Service published a rule proposing endangered status for the cylindrical lioplax, flat pebblesnail, and plicate rocksnail; and threatened status for the painted rocksnail, round rocksnail, and lacy elimia in the **Federal Register** (62 FR 54020-54028. Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. A public hearing request by Gorham & Waldrep, P.C., was received within the allotted time period. The Service has scheduled a public hearing in Birmingham, Alabama on Tuesday, January 13, 1998, at Samford University's Dwight Beeson Hall Auditorium from 7:00 to 10:00 p.m.

Oral and written comments will be accepted and treated equally. Parties wishing to make statements for the record should bring a copy of their statements to the hearing. Oral statements may be limited in length, if the number of parties present at the hearing necessitates such a limitation. There are no limits to the length of written comments or materials submitted at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the hearing are being published in newspapers concurrently with this **Federal Register** notice. The comment period on the proposal was initially closed on December 16, 1997. To accommodate the hearing, the public comment period is reopened upon publication of this notice. Written comments may now be submitted until January 23, 1998, to the Service office in the ADDRESSES section.

Author: The primary author of this notice is Paul Hartfield (see ADDRESSES section).

Authority

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

Dated: December 11, 1997.

H. Dale Hall,

Acting Regional Director, Fish and Wildlife Service.

[FR Doc. 97-33140 Filed 12-18-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 971124276-7276-01; I.D. No. 110797B]

RIN 0648-AH88

Designated Critical Habitat; Green and Hawksbill Sea Turtles

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule; request for comments; and notice of public hearings.

SUMMARY: NMFS proposes to designate critical habitat pursuant to the Endangered Species Act of 1973 (ESA) for the threatened green turtle (*Chelonia mydas*) to include waters extending seaward 3 nautical miles (nm) [5.6 kilometers(km)] from the mean high water line of Culebra Island, Puerto Rico (see Figure 1), and for the endangered hawksbill turtle (*Eretmochelys imbricata*) to include waters extending seaward 3 nm (5.6 km) from the mean high water line of Mona and Monito Islands, Puerto Rico (see Figure 2). The designation of critical habitat provides explicit notice to Federal agencies and to the public that these areas and features are vital to the conservation of the species.

DATES: Comments must be received on or before February 17, 1998.

The public hearings on this proposed action are scheduled from 7 p.m. to 9 p.m. as follows:

1. Monday, January 26, 1998—Eugene Francis Conference Room, Physics Building, University of Puerto Rico at Mayaguez, Palmeras Road, Mayaguez, Puerto Rico.

2. Tuesday, January 27, 1998—Puerto Rico Department of Natural and Environmental Resources, Central Office Auditorium, Munoz Rivera Avenue (Bus Stop 3½), Puerta Tierra, Puerto Rico.

3. Thursday, January 29, 1998—Center for Multiple Use, Williamson Street, Culebra, Puerto Rico.

ADDRESSES: Comments and requests for a copy of the environmental assessment (EA) for this proposed rule should be addressed to Barbara Schroeder, National Sea Turtle Coordinator, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michelle Rogers, 301-713-1401 or Bridget Mansfield, 813-570-5312.

SUPPLEMENTARY INFORMATION:

Background

On February 14, 1997, NMFS announced the receipt of a petition presenting substantial information to warrant a review (62 FR 6934) to designate critical habitat for green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) turtles to include all coastal waters surrounding the islands of the Culebra archipelago. At that time, NMFS also requested additional information concerning other areas in the U.S. Caribbean where the designation of critical habitat for listed sea turtles may be warranted.

Upon further review, NMFS has determined that substantial information exists to warrant the designation of critical habitat for green and hawksbill turtles in the Caribbean. Therefore, NMFS proposes to designate critical habitat for the threatened green turtle to include coastal waters surrounding Culebra Island, Puerto Rico, and for the endangered hawksbill turtle to include coastal waters surrounding Mona and Monito Islands, Puerto Rico (see Proposed Critical Habitat; Geographic Extent section of this notice). This designation of critical habitat for the hawksbill turtle complements the U.S. Fish and Wildlife Service (USFWS) action which designated critical habitat for this species to include all areas of beachfront on the west, south, and east sides of Mona Island, as well as certain nesting beaches on Culebra, Cayo Norte, and Culebrita in the Culebra archipelago (47 FR 27295, June 24, 1982).

In accordance with the July 18, 1977, Memorandum of Understanding between NMFS and the USFWS, NMFS was given responsibility for sea turtles while in the marine environment. Such responsibility includes proposing and designating critical habitat. The designation of critical habitat for sea turtles while on land is the jurisdiction of the USFWS; therefore, this rule includes only marine areas.

Green and hawksbill turtles are largely restricted to tropical and subtropical waters. Once abundant

throughout the Caribbean, green and hawksbill turtle populations have diminished to the point where they may likely be extirpated from this area. The green turtle is listed as threatened under the ESA, except for the Florida and Pacific coast of Mexico breeding populations, which are listed as endangered. The hawksbill turtle is listed as endangered throughout its range.

Additionally, green and hawksbill turtles, as well as other marine turtle species, are protected internationally under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Without these protections, it is highly unlikely that either species, traditionally highly prized in the Caribbean for their flesh, fat, eggs, and shell, would exist today.

The extensive seagrass beds of the Culebra archipelago support a large juvenile population of green turtles. Researchers estimate that over 150 juvenile green turtles are resident on Culebra seagrass beds at any given time. Additionally, a small population of adult green turtles have been documented in these waters (Collazo *et al.*, 1992).

On November 10, 1993, the USFWS designated Culebra seagrass beds as Resource Category 1, recognizing these seagrasses as critical foraging habitat for juvenile green turtles (USFWS, 1993). The USFWS mitigation policy classifies habitats into different resource categories according to their importance on a national or ecoregional scale. This classification provides guidance to the USFWS, NMFS, action agencies, and private developers that mitigation may be necessary if impacts to these habitats are anticipated. Resource Category 1 designation recognizes the habitat as unique and irreplaceable on a national or ecoregional level and states that loss of the habitat is not acceptable.

Green turtles nest sporadically on Puerto Rico's beaches. Green turtle nests have been observed on the main island of Puerto Rico, as well as on Mona and Vieques Islands, and have been reported periodically on Culebra Island (Bacon *et al.*, 1984; Carr, 1978; Pritchard and Stubbs, 1981). The natal beaches of Culebra's juvenile green turtles and the location of their nesting beaches are unknown.

The coastal waters of Culebra provide habitat for hawksbill and leatherback turtles as well. Hawksbill turtles forage extensively on the nearby reefs, and both hawksbills and leatherbacks use Culebra's coastal waters to access nesting beaches. Culebra and St. Croix