

*National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

*Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 948**

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 4, 1998.

**Tim L. Dieringer,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AE

**Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearings on Proposed Threatened Status for the Plant *Helianthus Paradoxus* (Pecos Sunflower)**

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

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

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) provides notice that three public hearings will be held on the proposed determination of threatened status for *Helianthus paradoxus* (Pecos sunflower). This plant is dependent on desert wetlands in New Mexico and western Texas.

**DATES:** Public hearings will be held from 7 p.m. to 9 p.m. on July 8, 1998, in Fort Stockton, Texas; July 9, 1998, in Roswell, New Mexico; and July 13, 1998, in Grants, New Mexico. The comment period, which originally closed on June 1, 1998, is reopened and now closes on August 13, 1998.

**ADDRESSES:** The public hearings will be held at the large Community Hall in James Rooney Memorial Park on U.S. Highway 285 (Sanderson Highway) in Fort Stockton, Texas; the Roswell Public Library, 301 North Pennsylvania Avenue, in Roswell, New Mexico; and the City Hall Council Chambers, 600 West Santa Fe Avenue, in Grants, New Mexico. Written comments and materials should be sent to the Field Supervisor, New Mexico Ecological Services Field Office, U.S. Fish and Wildlife Service, 2105 Osuna Road, NE., Albuquerque, New Mexico 87113, facsimile 505/346-2542. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Charlie McDonald, Endangered Species Botanist, at the above address or telephone 505/346-2525, ext. 112; facsimile 505/346-2542.

**SUPPLEMENTARY INFORMATION:****Background**

Pecos sunflower is a wetland plant that grows in permanently saturated soils. Areas that maintain these conditions are mostly desert wetlands

(cienegas) associated with springs, but they may also include stream margins and the margins of impoundments. When Pecos sunflowers are associated with impoundments, the impoundments typically have replaced natural cienega habitats. Pecos sunflower is presently known from 25 sites that occur in 5 general areas. These areas are Pecos and Reeves counties, Texas, in the vicinity of Fort Stockton and Balmorhea; Chaves County, New Mexico, from Dexter to just north of Roswell; Guadalupe County, New Mexico, in the vicinity of Santa Rosa; Valencia County, New Mexico, along the lower part of the Rio San Jose; and Cibola County, New Mexico, in the vicinity of Grants. Threats to Pecos sunflower include drying of wetlands from groundwater depletion; alteration of wetlands (*e.g.* wetland fills, draining, impoundment construction); competition with nonnative plant species, particularly saltcedar; excessive livestock grazing; mowing; and highway maintenance.

On April 1, 1998, the Service published a proposed rule to list the Pecos sunflower as threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended (Act). Section 4(b)(5)(E) of the Act requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule in the **Federal Register**. Public hearing requests were received within the allotted time period from the New Mexico Farm and Livestock Bureau; New Mexico County Farm and Livestock Bureaus in Colfax, Cibola-McKinley, and Santa Fe counties; Production Credit Association of New Mexico; Texas and Southwestern Cattle Raisers Association; and Davis Mountains Trans-Pecos Heritage Association.

The Service has scheduled hearings from 7 p.m. to 9 p.m. in Fort Stockton, Texas, on July 8, 1998, at the large Community Hall in James Rooney Memorial Park on U.S. Highway 285 (Sanderson Highway); in Roswell, New Mexico, on July 9, 1998, at the Roswell Public Library, 301 North Pennsylvania Avenue; and in Grants, New Mexico, on July 13, 1998, at the City Hall Council Chambers, 600 West Santa Fe Avenue. Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement to be presented to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at these hearings or

mailed to the Service. Legal notices announcing the dates, times, and locations of the hearings are being published in newspapers concurrently with this **Federal Register** notice.

The comment period on the proposal originally closed on June 1, 1998. In order to accommodate the hearing, the Service also reopens the public comment period. Written comments may now be submitted to the Service until August 13, 1998, to the office listed in the **ADDRESSES** section.

*Author:* The primary author of this notice is Charlie McDonald, New Mexico Ecological Services Field Office (see **ADDRESSES** section).

#### **Authority**

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

Dated: June 5, 1998.

**Renne Lohofener,**

*Acting Regional Director, Region 2.*

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