

threat (or lack thereof) to the Devils River minnow;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of the species;

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communication may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Austin Ecological Services Field Office (see ADDRESSES section).

**National Environmental Policy Act**

The Fish and Wildlife Service has 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 Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

**Required Determinations**

This rule does not contain collections of information that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

**References Cited**

A complete list of all references cited herein, as well as others, is available upon request from the Austin Ecological Services Field Office (see ADDRESSES section).

**Author**

The primary author of this proposed rule is Nathan Allan (see ADDRESSES section).

**List of Subjects in 50 CFR Part 17**

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

**Proposed Regulation Promulgation**

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, 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.

2. Amend section 17.11(h) by adding the following, in alphabetical order under "Fishes," to the List of Endangered and Threatened Wildlife:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
*	*	*	*	*	*		*
Minnow, Devils River	<i>Dionda diaboli</i> .....	U.S.A. (TX), Mexico	Entire .....	E	.....	NA	NA
*	*	*	*	*	*		*

Dated: March 17, 1998.  
**Jamie Rappaport Clark,**  
*Director, Fish and Wildlife Service.*  
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BILLING CODE 4310–55–P

**DEPARTMENT OF THE INTERIOR**  
**Fish and Wildlife Service**  
**50 CFR Part 17**  
**RIN 1018–AE56**  
**Endangered and Threatened Wildlife and Plants; Extension of Public Comment Period on Proposed Endangered Status for the Pecos Pupfish (*Cyprinodon pecosensis*) and Notice of Public Hearing**  
**AGENCY:** Fish and Wildlife Service, Interior.  
**ACTION:** Proposed rule, extension of public comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice that the comment period is extended on the proposed rule to list the Pecos pupfish (*Cyprinodon pecosensis*) as an endangered species. The Service is working with the New Mexico Department of Game and Fish, the New Mexico State Parks Department, the Texas Department of Parks and Wildlife, and the Bureau of Land Management to assess potential conservation actions for the species. The extension of the comment period will allow these entities and all other interested parties to continue to work with the Service and to submit comments on the proposal.  
The Eddy County Board of Commissioners, Eddy County, New Mexico, has requested that a public hearing be held on this proposal. The Service gives notice that a public hearing will be held on the proposed rule.

**DATES:** The comment period for this proposal, originally opened from January 30 through March 31, 1998, will be extended to November 20, 1998. Comments must be received by the closing date. The public hearing will be held from 5 p.m. to 8 p.m. on April 9, 1998, in Carlsbad, New Mexico (see ADDRESSES section).  
**ADDRESSES:** The public hearing will be held at the Pecos River Village Conference Center, 711 Muscatel, Carlsbad, 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 NE., Albuquerque, New Mexico 87113. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.  
**FOR FURTHER INFORMATION CONTACT:** Jennifer Fowler-Propst, Field

Supervisor, at the above address or at telephone 505/761-4525, ext. 106.

**SUPPLEMENTARY INFORMATION:**

**Background**

The historical range of the Pecos pupfish included the mainstream Pecos River and various lakes, gypsum sinkholes, saline springs, and tributaries associated with the river from the vicinity of Roswell, Chaves County, New Mexico, downstream to the vicinity of Sheffield, Pecos County, Texas. The Pecos pupfish has been replaced by sheepshead minnow (*Cyprinodon variegatus*) x Pecos pupfish hybrids throughout more than two-thirds of its historical range. Pure populations of the Pecos pupfish are now thought to occur only in a reduced reach of the Pecos River and small and isolated off-channel habitats within the Pecos River Basin in New Mexico; in the upper reaches of Salt Creek, Culberson and Reeves counties, Texas; and in two water-filled gravel pits in Pecos County, Texas.

On January 30, 1998, the Service published a proposed rule to list the Pecos pupfish as endangered 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. A public hearing request was received within the allotted time period from Laurie Kincaid, Chairman of the Eddy County Board of Commissioners, New Mexico.

The Service has scheduled this hearing in Carlsbad, New Mexico, on April 9, 1998, at the Pecos River Village Conference Center, 711 Muscatel, Carlsbad, New Mexico. Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of the statement to be presented to the Service at the start of the hearing. Oral statements may be limited to several minutes if there are many requests to speak. Oral comments presented at the public hearing are given the same weight and consideration as written comments. If the public hearing is of insufficient time to provide for all who wish to speak, all who are not accommodated will be asked to submit their comments in writing. There are, however, no limits to the length of

written comments or materials presented at the hearing or mailed to the Service. The Service must receive all comments by November 20, 1998. Comments should be submitted to the Service at the office listed in the **ADDRESSES** section above. Legal notices announcing the date, time, and location of the hearing are being published in newspapers concurrently with this **Federal Register** notice.

**Author**

The primary author of this notice is Jennifer Fowler-Propst, at the above address.

**Authority**

The authority citation for this action is 16 U.S.C. 1531-1544.

**List of Subjects in 50 CFR Part 17**

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

Dated: March 20, 1998.

**Jamie Rappaport Clark,**

*Director, U.S. Fish and Wildlife Service.*

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