

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD) ◆Elevation in feet (NAVD)	
				Existing	Modified
		West Branch Walnut Creek Tributary.	Approximately 6,500 feet upstream of Quailhaven Road.	None	*1,208
			Approximately 3,350 feet upstream of the confluence with Walnut Creek.	None	*1,171
			Approximately 2,590 feet upstream of Tyler Avenue.	None	*1,206

Maps are available for inspection at 501 North Street, Purcell, Oklahoma.

Send comments to The Honorable Loyd Tucker, Chairman, McClain County Board of Commissioners, 501 North Street, P.O. Box 629, Purcell, Oklahoma 73080.

Texas .....	Eagle Pass (City) Maverick County.	Eagle Pass Creek .....	At the confluence with Rio Grande. ....	*712	*716
			Approximately 200 feet upstream of Vista Hermosa Drive.	None	*790
		Eagle Pass Creek Tributary 1.	Just upstream of Union Pacific Railroad ..	*727	*726
			Approximately 330 feet upstream of Travis Street.	*743	*741
		Eagle Pass Creek Tributary 2.	Just upstream of the confluence with Eagle Pass Creek.	*743	741
			Approximately 2,100 feet upstream of North Bibb Avenue.	None	*799
		Rio Grande .....	Approximately 1,950 feet downstream of International Union Pacific Railroad Bridge.	*709	*710
			Approximately 1,950 feet upstream of East Garrison Street.	*719	*722
		Tributary to East Seco Creek.	Approximately 100 feet downstream of U.S. Highway 277.	None	*736
			Approximately 1,185 feet upstream of U.S. Highway 277.	None	*744
	Unnamed Tributary of Rio Grande.	Approximately 1,620 feet downstream of FM 3443 (1st Crossing).	None	*739	
		Approximately 1,620 feet upstream of East Main Street.	None	*772	

Maps are available for inspection at City Hall, 100 South Monroe Street, Eagle Pass, Texas.

Send comments to The Honorable Chad Foster, Mayor, City of Eagle Pass, City Hall, 100 South Monroe Street, Eagle Pass, Texas 78852.

Wisconsin .....	Manitowoc (City) ... Manitowoc County	Manitowoc River .....	At South 10th Street .....	*584	*585
			Approximately 2,550 feet downstream of Michigan Avenue.	*603	*604

Maps area available for inspection at the Manitowoc City Hall, 900 Quay Street, Manitowoc, Wisconsin.

Send comments to The Honorable Kevin Crawford, Mayor, City of Manitowoc, 900 Quay Street, Manitowoc, Wisconsin 54220.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: December 7, 2004.

David I. Maurstad,

Acting Director, Mitigation Division,  
Emergency Preparedness and Response  
Directorate.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AI49**

**Endangered and Threatened Wildlife and Plants; Extension of the Comment Period on Proposed Designation of Critical Habitat for the Southwestern Willow Flycatcher**

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

**ACTION:** Proposed rule; extension of public comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the extension of the public comment period

for the proposal to designate critical habitat for southwestern willow flycatcher (*Empidonax extimus traillii*) to allow all interested parties to comment on the proposed critical habitat designation under the Endangered Species Act of 1973, as amended. The proposed rule was published and the public comment period opened on October 12, 2004 (69 FR 60706).

**DATES:** The deadline for submitting comments on this proposal is extended from December 13, 2004, to March 31, 2005. Comments must be submitted directly to the Service (see **ADDRESSES** section) on or before March 31, 2005. Any comments received after the closing date may not be considered in the final determination on the proposal.

**ADDRESSES:** If you wish to comment, you may submit your comments and materials by any one of several methods:

1. You may submit written comments and information to Steve Spangle, Field Supervisor, U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ, 85021.

2. You may hand-deliver written comments and information to our Arizona Ecological Services Office, or fax your comments to 602/242-2513.

3. You may send your comments by electronic mail (e-mail) to [wiflcomments@fws.gov](mailto:wiflcomments@fws.gov).

The critical habitat proposal and supportive maps are available for viewing by appointment during regular business hours at the above address or on the Internet at <http://arizonaes.fws.gov>. All comments and materials received, as well as supporting documentation used in preparation of the proposed rule, will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Steve Spangle, Field Supervisor, Arizona Ecological Services Office (telephone 602-242-0210, facsimile 602-242-2513).

**SUPPLEMENTARY INFORMATION:**

**Background**

We proposed to designate for the southwestern willow flycatcher 376,095 acres (ac) (152,124 hectares (ha)) [including approximately 1,556 stream miles (2,508 stream kilometers)] of critical habitat, which includes various stream segments and their associated riparian areas, not exceeding the 100-year floodplain or flood prone area, on a combination of Federal, State, Tribal, and private lands in southern California, southern Nevada, southwestern Utah, south-central Colorado, Arizona, and New Mexico. The proposed rule was published in the **Federal Register** (69 FR 60706) on October 12, 2004, pursuant to a court order.

On September 30, 2003, in a complaint brought by the Center for Biological Diversity, the U.S. District Court of New Mexico instructed us to propose critical habitat by September

30, 2004, and publish a final rule by September 30, 2005. Additional background information is available in the October 12, 2004, proposal to designate critical habitat.

Critical habitat identifies specific areas that are essential to the conservation of a listed species and that may require special management considerations or protection. If the proposed rule is made final, section 7 of the Act will prohibit adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting areas designated as critical habitat must consult with us on the effects of their proposed actions, pursuant to section 7(a)(2) of the Act.

Section 4 of the Act requires that we consider economic and other relevant impacts prior to making a final decision on what areas to designate as critical habitat. We are currently developing a draft economic analysis and draft environmental assessment for the proposal to designate certain areas as critical habitat for the southwestern willow flycatcher and will announce their availability at a later date. We may revise the proposal, or its supporting documents, to incorporate or address new information received during the comment period. In particular, we may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

Pursuant to 50 CFR 424.16(c)(2), we may extend or reopen a comment period upon finding that there is good cause to do so. We are currently developing a draft economic analysis and draft environmental assessment for the proposal and will announce the availability of those documents and solicit data and comments from the public on these draft documents at a later date. We will also announce hearing dates concurrently with the availability of the draft documents. However, it is our intention to leave the public comment period open and uninterrupted until those documents are available for public consideration and

comment. We believe that allowing the comment period to expire before the full set of supporting draft analytical documents is available could result in hurried and incomplete comments on our proposed rule and unnecessarily frustrate respondents. We deem these considerations as sufficient cause to extend the comment period.

We are required by court order to complete the final designation of critical habitat for the southwestern willow flycatcher by September 30, 2005. To meet this date, all comments on or proposed revisions to the proposed rule need to be submitted to us during the comment period as extended by this document (see **DATES**).

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address, which we will honor to the extent allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comments. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for public inspection, by appointment, during normal business hours at the Arizona Ecological Services 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: December 6, 2004.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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