

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[R07-OAR-2005-IA-0003; FRL-7953-6]

**Approval and Promulgation of Implementation Plans; State of Iowa****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Iowa for the purpose of approving the 2001 and 2004 updates to the Linn County Air Quality Ordinance, Chapter 10, Air Quality. These revisions will help to ensure consistency between the applicable local agency rules and Federally-approved rules, and ensure Federal enforceability of the applicable parts of the local agency air programs.

**DATES:** Comments on this proposed action must be received in writing by September 15, 2005.

**ADDRESSES:** Comments may be mailed to Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Comments may also be submitted electronically or through hand delivery/courier; please follow the detailed instructions in the Addresses section of the direct final rule which is located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton at (913) 551-7039, or by e-mail at [hamilton.heather@epa.gov](mailto:hamilton.heather@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed

from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: August 3, 2005.

**James B. Gulliford,***Regional Administrator, Region 7.*

[FR Doc. 05-16223 Filed 8-15-05; 8:45 am]

**BILLING CODE** 6560-50-P**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List a Karst Meshweaver, *Cicurina cueva*, as an Endangered Species****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of reopening of public comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the status review initiated by the 90-day finding on a petition to list *Cicurina cueva* as an endangered species. This action will allow all interested parties an opportunity to provide information on the status of the species under the Endangered Species Act of 1973, as amended (Act).

**DATES:** Comments must be submitted directly to the Service (see **ADDRESSES** section) on or before August 30, 2005. Any comments received after the closing date may not be considered in the 12-month finding for this petition.

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

1. You may submit written comments and information by mail or hand-delivery to Robert Pine, Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.

2. Written comments may be sent by facsimile to 512/490-0974.

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

All comments and materials received, as well as supporting documentation used in preparation of the 90-day finding, will be available for public inspection, by appointment, during

normal business hours at our Austin Ecological Services Field Office at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert Pine, Field Supervisor, Austin Ecological Services Office (telephone 512/490-0057, facsimile 512/490-0974).

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

Section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et. seq.*) requires that for any petition to revise the List of Threatened or Endangered Wildlife and Plant Species that contains substantial scientific and commercial information that listing may be warranted, we make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but the immediate proposal of a regulation is precluded by other pending proposals to determine whether any species is threatened or endangered.

On July 8, 2003, we received a petition requesting that we list *Cicurina cueva* (no common name) as an endangered species with critical habitat. On May 25, 2004, Save Our Springs Alliance (SOSA) filed a complaint against the Secretary of the Interior and the Service for failure to make a 90-day petition finding under section 4 of the Act for *Cicurina cueva*. In our response to Plaintiff's motion for summary judgment on October 15, 2004, we informed the court that we believed that we could complete a 90-day finding by January 20, 2005, and if we determined that the 90-day finding provided substantial information indicating that listing may be warranted, we could make a 12-month finding by December 8, 2005. On March 18, 2005, the District Court for the Western District of Texas, Austin Division, adopted our schedule and ordered the Service to issue a 12-month finding on or before December 8, 2005.

On February 1, 2005, we published our 90-day finding on the petition to list *Cicurina cueva* as an endangered species (70 FR 5123). Our 90-day finding stated that we found the petition presented substantial scientific and commercial information indicating that listing *Cicurina cueva* may be warranted. Therefore, we initiated a status review to determine if listing the species is warranted. The original comment period for providing information for our status review closed on May 15, 2005.

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 gathering

information that will be used in making a determination whether *Cicurina cueva* should be listed as endangered. We reopened the comment period from May 23 to June 22, 2005 (70 FR 29471), as additional information from a genetic analysis and additional survey work for *Cicurina* species in southern Travis County became available near the end of the original comment period. We were also expecting a biological evaluation from the Texas Department of Transportation (TxDOT) on (SH) State Highway 45 South that will evaluate biological effects of proposed highway construction and how they will avoid or minimize any negative effects to Flint Ridge Cave. In addition, we were expecting a draft Candidate Conservation Agreement with Assurances (CCAA) and enhanced management plan for Cave X from the Regents School of Austin. These documents are in progress, and it is our understanding that they were almost complete by the June 22, 2005, deadline.

With this document, we are reopening the public comment period on the 90-day finding and initiation of status review to complete and make available the results of our peer review on the report titled, "Genetic and morphological analysis of species limits in *Cicurina* spiders (Araneae, Dictynidae) from southern Travis and northern Hays counties, with emphasis on *Cicurina cueva* Gertsch and relatives" and to receive additional information that was in progress and almost complete at the time the last comment period closed including, but not limited to, TxDOT's biological evaluation of SH 45, the Regents School's draft CCAA and enhanced management plan, information from the City of Austin, and possibly information from a number of other parties who requested an extension of the comment period. This document and the results of the peer review are available to the public by contacting the Austin Ecological Services Office (see **ADDRESSES** section above). We believe these documents may contain significant information that may affect our determination of the species' status and allowing the comment period to expire before they are available could result in hurried and incomplete comments. We deem these considerations as sufficient cause to reopen the comment period. This reopening of the comment period will not result in an extension of the court-ordered date by which the Service must make its 12-month finding.

### Public Comments Solicited

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.

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

Dated: August 2, 2005.

**Marshall P. Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 05-16150 Filed 8-15-05; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018-AT89**

#### Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover

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

**ACTION:** Proposed rule; notice of availability of draft economic analysis.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the draft economic analysis for the proposal to designate critical habitat for the Pacific coast distinct population segment of the western snowy plover (*Charadrius alexandrinus nivosus*) under the Endangered Species Act of 1973 (Act), as amended. The draft economic analysis finds that, over the next 20 years, costs associated with western snowy plover conservation activities are forecast to range from \$272.8 to \$645.3 million. In constant dollars, the draft economic analysis estimates there will be an economic impact of \$514.9 to \$1,222.7 million over the next 20 years. The greatest economic impact (approximately 90 to 95 percent of total

future impact using 3 and 7 percent discount rates) is expected to occur to recreation; other activities impacted include plover management, real estate development, military base operations, and gravel extraction. Comments previously submitted on the December 17, 2004, proposed rule (69 FR 75608) during the initial comment period need not be resubmitted as they have been incorporated into the public record and will be fully considered in preparation of the final rule.

**DATES:** Comments must be submitted directly to the Service (see **ADDRESSES** section) on or before 30 days after publication of this notice.

**ADDRESSES:** If you wish to comment on the proposed rule or draft economic analysis, you may submit your comments and materials by any one of several methods:

1. You may submit written comments and information by mail or hand-delivery to the Arcata Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, California 95521.

2. Written comments may be sent by facsimile to 707-822-8411.

3. You may send your comments by electronic mail (e-mail) to [fw8snowyplover@fws.gov](mailto:fw8snowyplover@fws.gov). For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section below.

You may obtain copies of the draft economic analysis by mail or by visiting our Web site at <http://www.fws.gov/pacific/sacramento/default.htm>. You may review comments and materials received, and review supporting documentation used in preparation of this proposed rule, by appointment, during normal business hours, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Michael Long, Field Supervisor, Arcata Fish and Wildlife Office (telephone 707-822-7201; facsimile 707-822-8411).

#### SUPPLEMENTARY INFORMATION:

##### Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule and the draft economic analysis. On the basis of public comment, during the development of our final determination, we may find that areas proposed are not essential, are appropriate for exclusion under section