

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified

Maps are available for inspection at the City of Piedmont City Hall, 314 Edmond Road, Piedmont, Oklahoma.

Send comments to The Honorable John Bickerstaff, Mayor, City of Piedmont, City Hall, 314 Edmond Road, Piedmont, Oklahoma 73078.

Texas .....	Junction (City) Kimble County.	Llano River .....	Approximately 500 feet downstream of Interstate Highway 10.	*1,698	*1,695
			At confluence of North and South Llano Rivers.	*1,703	*1,698
		North Llano River .....	At confluence of with South Llano River ..	*1,703	*1,698
			Approximately 1,000 feet upstream of U.S. Highways 83, 290, and 377.	*1,715	*1,709
		South Llano River .....	At confluence with North Llano River .....	*1,703	*1,698
			Approximately 700 feet upstream of Flatrock Lane.	*1,716	*1,711

Maps are available for inspection at the City of Junction City Hall, 102 North Fifth Street, Junction, Texas.

Send comments to The Honorable Keaton Blackburn, Mayor, City of Junction, 730 Main Street, Junction, Texas 76849.

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

Dated: February 24, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

[FR Doc. 97-5273 Filed 3-3-97; 8:45 am]

BILLING CODE 6718-04-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AC04**

**Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List *Coccoloba rugosa* (Ortegón) as Threatened**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The U.S. Fish and Wildlife Service withdraws the proposed rule to list *Coccoloba rugosa* (ortegón) as threatened, pursuant to the Endangered Species Act of 1973, as amended. This plant, endemic to Puerto Rico, occurs primarily in the eastern portion of the island. It is currently known from approximately 33 localities. Based on an evaluation of data available following publication of the proposal and evaluation of the comments, the Service determines that listing of ortegón is not warranted at the present time. The Service expects to work together with the U.S. Army, U.S. Navy, U.S. Forest Service, the Puerto Rico Conservation Trust and private landowners to protect and monitor the status of the species on these lands.

**ADDRESSES:** The complete file for this action is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, Box 491, Boquerón, Puerto Rico 00622.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan R. Silander at the Caribbean Field Office address (809/851-7297).

**SUPPLEMENTARY INFORMATION:**

**Background**

Although there are no records available concerning when *Coccoloba rugosa* was first discovered, it is known that it was widely cultivated in European botanical gardens during the nineteenth century (Proctor, pers. comm.). The species was named in 1815 and described in 1829 by the French botanist René Louiche Desfontaines from a cultivated specimen at the Botanical Garden of Paris (Little et al. 1974). This plant was reported from St. Thomas more than a century ago, but it is a doubtful record (Proctor, pers. comm.).

*Coccoloba rugosa* is a small evergreen tree 9 meters (30 feet) tall with a diameter of approximately 12.5 centimeters (5 inches). The bark is brown or gray and fissured, with faint rings at the nodes. The green twigs are stout, slightly flattened with longitudinal ridges. The alternate stalkless leaves are 22-60 centimeters (9-24 inches) wide, very thick, brittle, and hairless. The leaf surface is rugose, with veins deeply sunken on the upper side and prominent beneath. At the base of each leaf is a large sheath (ocrea) measuring 4-6 centimeters (1.5-2.5 inches) long. Inflorescences are terminal, 30-75 centimeters (1-2.5 feet) long with numerous small crimson-colored flowers. Male and female flowers are borne on different trees

(dioecious). The red ovoid fruits are about 1 centimeter (.4 inch) long with one brown, pointed, 3-angled seed that is .5 centimeter (.2 inch) long.

Ortegón is known from approximately 5,000 individuals at 33 sites most of which occur in the subtropical moist forest life zone of northern and eastern Puerto Rico. In eastern Puerto Rico the species is known from 23 localities. More than 1,000 individuals have been located at several localities on a privately-owned tourist resort complex in the Humacao/Yabucoa area in eastern Puerto Rico. An additional 400 individuals were found at Punta Guayanez, adjacent to the tourist resort complex. The species also occurs in 10 areas in the Punta Yeguas/Punta Toro area of Yabucoa/Maunabo municipalities. Portions of the Punta Yeguas area are owned and managed by the Puerto Rico Conservation Trust. Approximately 350 individuals may occur in these areas. More than 2,000 plants have been reported from the east facing slopes of Cerro Mala Pascua at approximately 100 meters above sea level in the municipalities of Maunabo and Patillas.

In northeastern Puerto Rico *Coccoloba rugosa* has been reported from locations in Luquillo, Río Grande, the El Convento area of Fajardo, and from two locations which fall within the Caribbean National Forest (approximately 36 plants).

In northern Puerto Rico the species occurs in the limestone knolls within the San Juan metropolitan area at two localities: 6 individuals on the Fort Buchanan Army installation in the municipality of Guaynabo and one locality consisting of 2 individuals on the Sabana Seca Naval Security Group Activities facility in the municipality of Toa Baja. One population historically

reported from west of the San José lagoon in the San Juan metropolitan area was destroyed some years ago (Little et al. 1974).

#### Previous Federal Action

*Coccoloba rugosa* was included among the plants being considered as a candidate species (species for which the Service has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list) by the Service, as published in the Federal Register notice of review dated February 21, 1990 (55 FR 6184) and September 30, 1993 (58 FR 51144).

The Service published a proposal to list ortegón as threatened on September 24, 1993 (58 FR 49660) based on information available at that time. The comment period on the proposal was subsequently reopened until January 24, 1995 (59 FR 60598) to allow for the collection and verification of additional information. The deadline for publishing a final listing decision was extended in the same Federal Register notice to March 24, 1995.

The processing of this action conforms with the Service's final listing priority guidance published in the Federal Register on December 5, 1996 (61 FR 64475). The guidance clarifies the order in which the Service will process rulemakings during fiscal year 1997. The guidance calls for giving highest priority to handling emergency situations (Tier 1) and second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings. This rule falls under Tier 2. At this time, there are no pending Tier 1 actions.

#### Summary of Comments and Recommendations

In the September 24, 1993, proposed rule and associated notifications, all interested parties were requested to submit factual reports of information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the "San Juan Star" on October 10, 1993. The Service received three letters of comment, one supported the listing (Puerto Rico Department of Natural and Environmental Resources) and the other two provided information (University of Puerto Rico at Humacao and Vazquez Environmental Services, Inc. for Palmas del Mar, Inc.) but did not indicate either support or opposition.

Nevertheless, on June 21, 1994, the Service received a letter from Vinson & Elkins, attorneys for the Palmas del Mar Properties, Inc., which provided additional information on both the distribution and abundance of *Coccoloba rugosa*. Based on this additional information the Service reopened the comment period through January 24, 1995, and requested additional information from Federal agencies, Commonwealth of Puerto Rico agencies, scientific organizations and interested parties. One letter of comment was received, from Vinson & Elkins for Palmas del Mar, Inc., which provided information similar to that in their letter of June 21, 1994. The Service has verified data provided by Palmas in both of these letters and this information has been incorporated into the supplementary information provided above.

#### Summary of Factors Affecting the Species

The Endangered Species Act and implementing regulations found at 50 CFR 424.17(3) provide for the basis for determining a species to be endangered or threatened and for withdrawing a proposed rule when the proposal has not been found to be supported by available evidence. The five factors described in section 4(a)(1) of the Endangered Species Act, as they apply to the withdrawal of the proposed listing of *Coccoloba rugosa* (ortegón) are as follows:

##### A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

At present, *Coccoloba rugosa* is known from a total of 33 localities. Two are located on land which is managed by the U.S. Forest Service as part of the Caribbean National Forest and the species is included by the Forest Service as a sensitive species and is considered in environmental evaluations and in management practices. The species occurs on property of both the U.S. Navy and the U.S. Army, both of which are aware of the presence of the species and the need to protect it. No activities are currently proposed by these entities for the areas where the species is found. The localities at Punta Yeguas are owned and managed by the Puerto Rico Conservation Trust, a non-governmental organization dedicated to the protection of natural resources, and the organization is aware of the presence of the species on its property and the need for its protection.

More than 1,000 individuals are located within the boundaries of the Palmas del Mar, Inc. resort in Humacao,

Puerto Rico. The resort has, in its most recent development expansion proposal, included all known individuals within the project area in green areas and has avoided impacting individuals. The corporation has expressed interest in protecting the species through a cooperative agreement.

##### B. Overutilization for Commercial, Recreational, Scientific or Educational Purposes

Not applicable. Ortégón may be of interest as a cultivated, ornamental plant, and has been the subject of successful propagation both by private entities as well as by the Puerto Rico Department of Natural and Environmental Resources.

##### C. Disease or Predation

Not applicable.

##### D. The Inadequacy of Existing Regulatory Mechanisms

The species is considered to be a "critical" species by the Puerto Rico Department of Natural and Environmental Resources and is considered in evaluations done by the agency for development proposals. Listing under the Act would have offered protection through Sections 7 and 9, and through recovery planning. Nevertheless, the largest populations are on privately-owned land where few federally-funded or permitted projects are anticipated.

##### E. Other Natural or Manmade Factors Affecting its Continued Existence

Although the forests of eastern Puerto Rico were dramatically affected by the passage of Hurricane Hugo in 1989, the species occurs in a sufficient number of localities that would ensure its continued survival.

#### Proposed Rule Withdrawal

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by *Coccoloba rugosa* in determining to withdraw this proposed rule. The withdrawal is based on the likelihood of the species retaining its current distribution and numbers and the anticipated cooperation on the part of both Federal and Commonwealth agencies and non-governmental and private entities in the conservation of the species.

The Service withdraws the proposed rule of September 24, 1993 (58 FR 49660) to list the *Coccoloba rugosa* as a threatened species. At present the Service does not consider this species a Candidate for listing.

## References Cited

Little, E.L., R.O. Woodbury, and F.H. Wadsworth. 1974. *Trees of Puerto Rico and the Virgin Islands*. Second volume. U.S. Department of Agriculture Handbook No. 449. Washington, D.C. 1024 pp.

## Author

The primary author of this document is Ms. Susan R. Silander (see **ADDRESSES** section).

## Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 10, 1997.

John G. Rogers,

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 97-5156 Filed 3-3-97; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 630**

[Docket No. 960416112-7024-04; I.D. 111396A]

RIN 0648-AJ04

**Atlantic Highly Migratory Species Fisheries; Tuna Fishery Regulatory Adjustments**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to amend regulations governing the Atlantic tuna fisheries to: Divide the large school-small medium size class quota and the large medium-giant quotas of Atlantic Bluefin Tuna (ABT) into north and south regional subquotas; establish a new tuna permit program to provide for category changes, annual renewals and the collection of fees; establish authority for self-reporting for ABT landed under the Angling category; prohibit the retention of ABT less than the large medium size class by vessels permitted in the General category; prohibit all fishing by persons aboard vessels permitted in the General category on designated restricted-fishing days; and prohibit the use of spotter aircraft except in purse seine fisheries. The proposed regulatory amendments are necessary to achieve domestic management objectives for the Atlantic

tuna fisheries. NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding these proposed amendments.

**DATES:** Comments are invited and must be received on or before March 31, 1997.

**ADDRESSES:** Comments on the proposed rule should be sent to, William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282.

**FOR FURTHER INFORMATION CONTACT:** John Kelly, 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). ATCA authorizes the Secretary of Commerce (Secretary) to implement regulations as may be necessary to carry out the recommendations of the International Commission for the Conservation of Atlantic tunas (ICCAT). The authority to implement ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Relation to Advance Notices of Proposed Rulemaking

This proposed rule responds in part to comments received subsequent to two recently published Advance Notices of Proposed Rulemaking (ANPR) (61 FR 43518, August 23, 1996 and 61 FR 48876, September 17, 1996). Written comments were accepted over a 30 day period following publication of each ANPR. A summary of comments received follows.

NMFS received comments from several organizations and individuals in support of dividing the large school-small medium and large medium-giant size class quotas into regional subquotas. Many commenters are concerned that the high catch rates off North Carolina in the winter months preclude the opportunity to land a trophy size bluefin in other areas. Some commenters felt that this would be a more reasonable solution than delaying the Angling category season until June 1. Still others suggested that since the winter fishery off North Carolina is not historical, at least at current levels, it should not be allowed to increase if it is likely to jeopardize the ABT recovery program or preclude fisheries in traditional areas.

Some commenters wrote in support of providing NMFS the authority to close and/or reopen all or part of the Angling category in order to ensure an equitable distribution of fishing opportunities.

NMFS has decided to address this option in a separate regulatory action.

Regarding a new tuna permit program, some commenters support annual renewal and the collection of a fee. Some individuals state that an annual renewal system would be an administrative burden. A few commenters suggest a higher fee for commercial and charter permits, and a few oppose the fee altogether. Several commenters support the establishment of a self-reporting system for ABT landed under the Angling category. Some are concerned about NMFS getting the resources to develop a monitoring strategy in which the constituency can have confidence.

Many commenters wrote to support issuance of one permit per vessel so that vessels could not fish in more than one quota category. In July 1995, NMFS issued regulations that precluded issuance of both a General and Angling category permit to a single vessel, but that rule also allowed General and Charter/Headboat permitted vessels to fish under the Angling category quota. The numerous comments NMFS received in support of separating the General and Angling category permits can thus be translated as requests to prohibit the retention of school ABT by General category vessels.

Some commenters wrote to support the requirement of logbooks for General category vessels.

Over 350 post cards were received that requested NMFS to prohibit fishing by persons on General category vessels on restricted-fishing days. A few commenters oppose restricted-fishing days. NMFS received 510 comments supporting prohibition of spotter planes in all handgear categories, two comments supporting the prohibition for the General category only, and one comment supporting the prohibition for the Harpoon category only.

NMFS has reviewed comments received on the two ANPRs and has considered them in developing this proposed rule.

Relation to Proposed Consolidation

A proposed rule on "Atlantic Highly Migratory Species Fisheries; Consolidation of Regulations" was published by NMFS on November 6, 1996, in the Federal Register at 61 FR 57361. The regulatory amendments contained in this proposed rule have been written to be consistent with the previously proposed consolidation. As proposed, the consolidated regulations significantly reorganize and condense regulatory text regarding the Atlantic tuna fisheries. In particular, regulations governing the Atlantic tuna fisheries,