

Dated: February 12, 2008.

David I. Maurstad,

Federal Insurance Administrator of the  
National Flood Insurance Program,  
Department of Homeland Security, Federal  
Emergency Management Agency.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[FWS-R2-ES-2008-0031; 92220-1113-  
0000-C3]

RIN 1018-AU68

#### Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Rio Grande Silvery Minnow in the Big Bend Reach of the Rio Grande in Texas

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

**ACTION:** Proposed rule; notice of  
availability of draft environmental  
assessment; reopening of public  
comment period.

**SUMMARY:** We, the U.S. Fish and  
Wildlife Service (Service), announce the  
reopening of the public comment period  
on the proposed rule and draft  
environmental assessment regarding our  
proposal to establish a nonessential  
experimental population of Rio Grande  
silvery minnow (*Hybognathus amarus*),  
a Federally listed endangered fish, into  
its historic habitat in the Big Bend reach  
of the Rio Grande in Presidio, Brewster,  
and Terrell counties, Texas.

Comments previously submitted on  
the proposed rule or draft EA need not  
be resubmitted as they have been  
incorporated into the public record and  
will be fully considered in preparation  
of the final rule and final environmental  
assessment.

**DATES:** We will accept public comments  
received or postmarked on or before  
March 10, 2008.

**ADDRESSES:** You may submit comments  
by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **U.S. mail or hand-delivery:** Public Comments Processing, Attn: RIN 1018-AU68; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We  
will post all comments on [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov). This generally  
means that we will post any personal  
information you provide us (see the  
Public Comments Solicited section  
below for more information).

#### FOR FURTHER INFORMATION CONTACT:

Adam Zerrenner, Field Supervisor,  
Austin Ecological Services Field Office,  
10711 Burnet Road, Suite 200, Austin,  
TX 78758; telephone 512/490-0057;  
facsimile 512/490-0974. If you use a  
telecommunications device for the deaf  
(TDD), call the Federal Information  
Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background and Additional Information

We propose to reestablish the Rio  
Grande silvery minnow under section  
10(j) of the Endangered Species Act of  
1973, as amended (Act), and to classify  
it as a nonessential experimental  
population (NEP) (72 FR 50918). On the  
Rio Grande, the geographic boundaries  
of the NEP would extend from Little  
Box Canyon downstream of Fort  
Quitman, Hudspeth County, Texas,  
through Big Bend National Park and the  
Rio Grande Wild and Scenic River, to  
Amistad Dam and the nearby railroad  
bridge (Big Bend reach of the Rio  
Grande). On the Pecos River, the  
geographic boundaries of the NEP  
would extend from the river's  
confluence with Independence Creek to  
its confluence with the Rio Grande. This  
proposed reestablishment is part of the  
recovery actions that the Service,  
Federal and State agencies, and other  
partners are conducting throughout the  
species' historic range. The proposed  
rule provides a plan for establishing the  
NEP and provides for limited allowable  
legal taking of Rio Grande silvery  
minnows within the defined NEP area.  
A draft environmental assessment (EA)  
has been prepared on this proposed  
action and is available for comment (see  
**ADDRESSES** section below).

For background and other information  
on the proposed rule and draft EA, refer  
to our notice published in the **Federal  
Register** on September 5, 2007 (72 FR  
50918).

##### Public Comments Solicited

On September 5, 2007, we published  
a proposed rule, notice of availability of  
a draft environmental assessment, and  
notice of a public hearing regarding our  
proposal to establish a nonessential  
experimental population of the Rio  
Grande silvery minnow in the Big Bend  
reach of the Rio Grande in Texas (72 FR  
50918). We accepted public comments  
regarding the proposed rule and draft  
environmental assessment for 60 days,

ending November 5, 2007. During the  
comment period, we held a public  
hearing on October 10, 2007, in Alpine,  
Texas. In response to requests from  
interested parties, we are reopening the  
comment period for an additional 15  
days (see **DATES**) to offer all interested  
parties an opportunity to submit data  
and information to be considered in  
developing a final rule and final EA.

We want the final rule to be as  
effective as possible and the final EA on  
the proposed action to evaluate all  
potential issues associated with this  
action. Therefore, we invite the public,  
Tribal and government agencies, the  
scientific community, industry, and  
other interested parties to submit  
comments or recommendations not  
previously submitted concerning any  
aspect of the proposed rule and the draft  
EA. Comments should be as specific as  
possible.

To issue a final rule to implement this  
proposed action and to determine  
whether to prepare a finding of no  
significant impact or an environmental  
impact statement, we will take into  
consideration all comments and any  
additional information we receive. Such  
communications may lead to a final rule  
that differs from this proposal.

You may submit your comments and  
materials concerning the proposed rule  
and draft EA by one of the methods  
listed in the **ADDRESSES** section. We will  
not accept comments sent by e-mail or  
fax or to an address not listed in the  
**ADDRESSES** section. We will not accept  
anonymous comments; your comments  
must include your first and last name,  
city, State, country, and postal (zip)  
code. Finally, we will not consider  
hand-delivered comments that we do  
not receive, or mailed comments that  
are not postmarked by the date specified  
in the **DATES** section. Comments must be  
submitted to

<http://www.regulations.gov> before  
midnight (Eastern Standard Time) on  
the date specified in the **DATES** section.

We will post your entire comment—  
including your personal identifying  
information—on [http://](http://www.regulations.gov)  
[www.regulations.gov](http://www.regulations.gov). If you provide  
personal identifying information in  
addition to the required items specified  
on the previous paragraph, such as your  
street address, phone number, or e-mail  
address, you may request at the top of  
your document we withhold this  
information from public review.  
However, we cannot guarantee that we  
will be able to do so.

Comments and materials we receive,  
as well as supporting documentation we  
used in preparing this proposed rule,  
will be available for public inspection  
on <http://www.regulations.gov>, or by

appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758; telephone 512/490-0057.

You may obtain copies of the original proposed rule and the draft EA from the Austin Ecological Services Field Office at the address listed above or by visiting

our Web site at <http://www.fws.gov/southwest/es/AustinTexas/>.

#### **Author**

The primary author of this notice is the staff of the U.S. Fish and Wildlife Service's Austin Ecological Services Field Office.

#### **Authority**

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

Dated: February 14, 2008.

**Kenneth Stansell,**

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

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