

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 072902B]****Proposed Information Collection; Comment Request; Reporting of Sea Turtle Incidental Take in Virginia Chesapeake Bay Pound Net Operations****AGENCY:** National Oceanic and Atmospheric Administration (NOAA).**ACTION:** Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 30, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6608, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mary Colligan, Assistant Regional Administrator for Protected Resources, National Marine Fisheries Service (NMFS), One Blackburn Drive, Gloucester, MA 01930 (ph. 978-281-9116, fax 978-281-9394).

SUPPLEMENTARY INFORMATION:**I. Abstract**

This proposed reporting measure would require all Virginia Chesapeake Bay pound net fishermen to report interactions with endangered and threatened sea turtles, found both live and dead, in their pound net operations. When a live or dead sea turtle is discovered during a pound net trip, the Virginia pound net fisherman would be required to report the incidental take to NMFS and, if necessary, the appropriate rehabilitation and stranding network. This information will be used to monitor the level of incidental take in the state-managed Virginia pound net fishery and ensure that the seasonal pound net leader restriction (50 CFR

223.206(d)(2)(v)) is adequately protecting listed sea turtles.

II. Method of Collection

At any time during the year, if a sea turtle is taken live and uninjured in any portion of the pound net operation, in the pound, heart, or leader, the operator of the vessel would be required to report the incident to the NMFS Northeast Regional Office within 24 hours of returning from the trip in which the incidental take was discovered. At any time during the year, if a sea turtle is taken in a pound net operation, and is determined to be injured, or if a sea turtle is captured dead, the operator of the vessel would be required to immediately notify the NMFS Northeast Regional Office and the appropriate rehabilitation or stranding network, as determined by the NMFS Northeast Regional Office.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households (specifically, Virginia pound net fishermen).

Estimated Number of Respondents: 80.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 74.

Estimated Total Annual Cost to Public: \$1,323.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 25, 2002.

Madeleine Clayton,

*Departmental Paperwork Clearance Officer,
Office of Chief Information Officer.*

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BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 072502A]****Endangered and Threatened Species; Take of Anadromous Fish**

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

ACTION:

SUMMARY: The Makah Indian Tribe, and the Washington Department of Fish and Wildlife as the co-managing fisheries resource manager, have submitted a joint Resource Management Plan (RMP) pursuant to the protective regulations promulgated for the Ozette Lake Sockeye Salmon Evolutionary Significant Unit (ESU) under the Endangered Species Act (ESA). The RMP specifies artificial propagation, research, and monitoring and evaluation measures potentially affecting listed Ozette Lake sockeye salmon. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to how the RMP addresses the criteria in the ESA. NMFS also announces the availability of a draft Environmental Assessment (EA) for the pending determination.

DATES: Written comments on the Secretary's evaluation must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on September 3, 2002.

ADDRESSES: Written comments and requests for copies of the proposed evaluation and draft environmental assessment should be addressed to Tim Tynan, Sustainable Fisheries Division, National Marine Fisheries Service, 510 Desmond Drive, Suite 103, Olympia, WA 98503. Comments may also be sent via fax to 360/753-9517. The documents are also available on the Internet at <http://www.nwr.noaa.gov/>, Sustainable Fisheries Division site. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Tim Tynan at phone number: 360/753-9579, or e-mail: Tim.Tynan@noaa.gov regarding the RMP.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Ozette Lake sockeye salmon (*Oncorhynchus nerka*) ESU.

Background

The Makah Indian Tribe, and the Washington Department of Fish and Wildlife as the co-managing resource management agency under the *United States v. Washington* fisheries management framework, have provided a joint RMP in the form of a Hatchery and Genetic Management Plan (HGMP) for Ozette Lake sockeye salmon. The RMP encompasses artificial propagation, research, and monitoring and evaluation activities within the range of the Ozette Lake sockeye salmon ESU. The range of the ESU is the Ozette River, Ozette Lake, and Ozette Lake tributaries accessible to anadromous salmon. Performance objectives specified in the RMP include establishment of self-sustaining tributary-spawning sockeye aggregations to increase natural spawning fish abundance levels in the Ozette Lake Basin. The RMP also includes research and monitoring and evaluation actions designed to identify life history characteristics of the listed beach spawning sockeye salmon population, and factors limiting the productivity of the listed sockeye salmon ESU. Monitoring and evaluation programs are also used to insure that the proposed artificial propagation measures are consistent with listed sockeye salmon conservation objectives.

As required by Section 223.203 (b)(6) of the ESA 4(d) Rule, the Secretary must determine pursuant to 50 CFR 223.203 and pursuant to the government-to-government processes therein whether the RMP for Ozette Lake sockeye salmon would appreciably reduce the likelihood of survival and recovery of the Ozette Lake sockeye salmon and other affected threatened ESUs. The Secretary must take comments on how the RMP addresses the criteria in 223.203(b)(5) in making that determination. The final National Environmental Policy Act and RMP determinations will not be completed until after the end of the 30-day comment period and will fully consider all public comments received during the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Authority

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as he deems necessary and advisable for the conservation of the

species listed as threatened. The ESA salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to actions undertaken in compliance with a RMP developed jointly by the Tribes and the State of Washington (joint plan) and determined by the Secretary to be in accordance with the salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000).

Dated: July 26, 2002.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072402A]

Receipt of Two Applications for Direct Take Permits (1395 and 1396)

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

ACTION: Notice of availability.

SUMMARY: NMFS has received applications for direct take permits (Permits) from the Washington Department of Fish and Wildlife (WDFW) and U.S. Fish and Wildlife Service (USFWS) pursuant to the Endangered Species Act of 1973, as amended (ESA) (permit numbers 1395 and 1396, respectively). Chelan County Public Utilities District (PUD) and Douglas County PUD are co-applicants with WDFW for permit 1395 as agreed to in the Habitat Conservation Plans (HCPs) developed for the operation of Rock Island, Rocky Reach and Wells hydro electric projects; the USFWS is the applicant for permit 1396. As required by the ESA, the WDFW, Chelan PUD, Douglas PUD and USFWS have prepared conservation plans (Plans) designed to minimize and mitigate any such take of endangered or threatened species. The Permit applications are for the direct and incidental take of ESA-listed adult and juvenile salmonids associated with carrying out hatchery programs for endangered Upper Columbia River steelhead in the upper Columbia River and its tributaries in the state of Washington. The duration of the

proposed Plans and Permits is 5 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to the ESA.

DATES: Written comments from interested parties on the Permit applications and Plans must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on September 3, 2002.

ADDRESSES: Written comments on the applications and Plans should be sent to Kristine Petersen, Sustainable Fisheries Division, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232. Comments may also be sent via fax to 503/872-2737. Comments will not be accepted if submitted via e-mail or the Internet. Requests for copies of the permit applications and Conservation Plans should be directed to the Sustainable Fisheries Division, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232. The documents are also available on the Internet at <http://www.nwr.noaa.gov/>. Comments received will also be available for public inspection, by appointment, during normal business hours by calling 503/230-5409.

FOR FURTHER INFORMATION CONTACT: Kristine Petersen, Portland, OR (ph: 503/230-5409, fax: 503/872-2737, e-mail: Kristine.Petersen@noaa.gov).

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species for scientific purposes or to enhance the propagation or survival of the species under section 10(a)(1)(A) of the ESA. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Species Covered in This Notice

The following evolutionarily significant units (ESUs) are included in the Plan and Permit application:

Steelhead (*Oncorhynchus mykiss*): endangered, naturally produced and artificially propagated Upper Columbia River (UCR).

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, UCR spring-run.