

identifier: "Permit 1481 assessment". The documents will also be available on the Internet at [www.nwr.noaa.gov](http://www.nwr.noaa.gov). Comments may also be submitted electronically through the Federal e-Rulemaking portal: [www.regulations.gov](http://www.regulations.gov). Comments received will also be available for public inspection, by appointment, during normal business hours by calling (208) 378-5614.

**FOR FURTHER INFORMATION CONTACT:**

Herb Pollard, Boise, ID, at phone number (208) 378-5614 or e-mail: [herbert.pollard@noaa.gov](mailto:herbert.pollard@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This notice is relevant to the Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), Snake River fall-run chinook salmon (*O. tshawytscha*), Snake River sockeye salmon (*O. nerka*), and Snake River steelhead (*O. mykiss*) ESUs. The proposed permit will renew and replace permit 1233 which will expire on December 31, 2004. The duration of the proposed Permit and Plan is 5 years, expiring on May 31, 2008.

**Background**

On May 26, 2000, NMFS issued permit 1233 to the State of Idaho to conduct recreational fisheries managed by IDFG during 2000 through 2004 on non-listed species in the Snake River and its tributaries in the State of Idaho. Permit 1233 authorizes IDFG an incidental take of adult and juvenile, threatened, naturally produced Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), adult and juvenile, threatened, naturally produced Snake River fall chinook salmon (*O. tshawytscha*), and adult and juvenile, threatened, naturally produced Snake River sockeye salmon (*O. nerka*) in recreational fisheries managed by the State of Idaho.

IDFG requests a new permit to modify timing of currently authorized fisheries, to expand currently authorized fishing areas, and to apply an abundance-based sliding scale to incidental take limits for the fisheries. The fishery area in the Salmon River would be increased from the current boundaries of the mouth of Hammer Creek 30 miles (48.2803 km) upstream to the mouth of the Little Salmon River, to include the area from the mouth of the Salmon River upstream approximately 120 miles (193.121 km) to the mouth of the South Fork Salmon River. IDFG also requests that a sliding scale of harvest impacts, based on the combined return of listed spring and summer run chinook salmon counted at Lower Granite Dam be applied to the allowable incidental take of adult,

threatened, Snake River spring/summer chinook salmon associated with the authorized fisheries. The proposed permit is the fourth in a series of permits (Permit 844, 1993-1998; Permit 1150, 1999; and Permit 1233, 2000-2004 preceded this application) which have provided ESA authorization for recreational fishing activities that may incidentally take listed Snake River salmon and steelhead.

In its Plan, IDFG is proposing to limit state recreational fisheries such that the incidental impacts on ESA-listed salmonids will be minimized. Three alternatives for the IDFG fisheries are provided in the Plan: (1) The no action alternative; (2) the proposed conservation plan alternative (based on continuing fisheries at levels similar to those permitted since 1995); and (3) historical fishing levels.

**Environmental Assessment/Finding of No Significant Impact**

The EA package includes a draft EA evaluating whether the potential effects of issuing the new incidental take permit to replace the existing permit and whether such issuance is a major Federal action significantly affecting the quality of the human environment, within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended. Three Federal action alternatives have been analyzed in the draft EA: (1) The no action alternative; (2) issue a permit with conditions; and (3) issue a permit without conditions. NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. NMFS expects to take action on the ESA section 10(a)(1)(B) submittal received from the applicant. Therefore, NMFS is seeking public input on the scope of the required NEPA analysis, including the range of reasonable alternatives and associated impacts of any alternatives.

This notice is provided pursuant to section 10(c) of the ESA and the NEPA regulations (40 CFR 1506.6). NMFS will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the NEPA regulations and section 10(a) of the ESA. If it is determined that the requirements are met, a permit will be issued for incidental takes of ESA-listed anadromous salmonids under the jurisdiction of NMFS. The final NEPA and permit determinations will not be completed until after the end of the 15-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**.

Dated: May 7, 2004.

**Phil Williams,**

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

[FR Doc. 04-10787 Filed 5-11-04; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 042304A]

**Notice of Intent to Conduct Public Scoping and Prepare an Environmental Impact Statement Related to Two Joint State and Tribal Resource Management Plans for Puget Sound Region Hatchery Programs**

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

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), this notice advises the public that NMFS intends to gather information necessary to prepare an Environmental Impact Statement (EIS). The EIS will identify effects on the human environment that may potentially result from implementation of two hatchery Resource Management Plans jointly proposed by the Washington Department of Fish and Wildlife and the Puget Sound Treaty Tribes (referred to as the co-managers) for NMFS evaluation and determination under the Endangered Species Act for threatened salmon. The Resource Management Plans are the proposed framework through which the co-managers would jointly manage Puget Sound region hatchery programs rearing steelhead and chinook, coho, pink, sockeye, and chum salmon while meeting conservation requirements specified under the Endangered Species Act (ESA).

NMFS provides this notice to (1) advise other agencies and the public of our intentions and, (2) obtain suggestions and information on the scope of issues to include in the EIS.

**DATES:** Written scoping comments are encouraged, and should be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on July 12, 2004. NMFS will hold four public scoping

meetings. Each meeting will begin at 6 p.m. with a half-hour open house to accommodate informal discussion; presentations will begin at 6:30 p.m.

The meeting dates and locations are:

June 7, 2004, 6 - 8:30 p.m., Public Utility District No. 1 of Skagit County, 1415 Freeway Drive, Mount Vernon, WA.

June 8, 2004, 6 - 8:30 p.m., NOAA Office, 7600 Sand Point Way N.E., Building 9 Auditorium, Seattle, WA.

June 14, 2004, 6 - 8:30 p.m., Mary E. Theler Community Center, 2871 NE State Route 3, Belfair, WA.

June 15, 2004, 6 - 8:30 p.m., Jefferson County Public Library, 620 Cedar Avenue, Port Hadlock, WA.

**ADDRESSES:** Address comments and requests for information related to preparation of the EIS, or requests to be added to the mailing list for this project, to Allyson Ouzts, NMFS, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232; facsimile (503) 872-2737. Comments may be submitted by e-mail to the following address: [PShatcheryEIS.nwr@noaa.gov](mailto:PShatcheryEIS.nwr@noaa.gov). In the subject line of the e-mail, include the document identifier: Puget Sound Region Hatchery EIS. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Allyson Ouzts, NMFS, by phone at (503) 736-4736. In addition, further information regarding this project, including the co-managers' Resource Management Plans and their associated HGMPs may be found at: [www.nwr.noaa.gov](http://www.nwr.noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Species Listed in This Notice

The following species and Evolutionarily Significant Units (ESUs) under NMFS jurisdiction potentially would be affected by the proposed action:

Puget Sound chinook salmon (*Oncorhynchus tshawytscha*)

Hood Canal summer chum salmon (*O. keta*)

Steller sea-lions (*Eumetopias jubatus*).

Listed species regulated by the United States Fish and Wildlife Service that may be affected by the proposed action include bull trout (*Salvelinus confluentus*), bald eagles (*Haliaeetus leucocephalus*), brown pelicans (*Pelecanus occidentalis*), marbled murrelets (*Brachyramphus marmoratus marmoratus*), and Northern spotted owls (*Strix occidentalis caurina*).

#### Background

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. According to NMFS' NEPA environmental review procedures (NAO-216.6), NMFS' action of evaluating the co-managers' Resource Management Plans for ESA compliance is a major Federal action subject to environmental review under NEPA. Therefore, NMFS is seeking public input on the scope of the required NEPA analysis, including the range of reasonable alternatives and the associated impacts of any alternatives.

The ESA contains several sections that set the foundation for managing listed species. Section 9(a)(1) of the ESA makes it illegal for any person subject to United States jurisdiction to "take" ESA listed Pacific salmon without authorization from NMFS. The term "take" is defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). NMFS' definition of harm includes significant habitat modification or degradation where it kills or injures fish or wildlife by significantly impairing essential behavioral patterns, which include breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727, November 8, 1999).

Section 4(d) of the ESA discusses the treatment of species listed as threatened. It states that, whenever a species is listed as threatened, the Secretary "shall issue such regulations as he deems necessary and advisable to provide for the conservation of the species." Such protective regulations may include any or all of the prohibitions that apply automatically to protect endangered species under ESA section 9.

In 2000, NMFS applied the ESA section 9 take prohibitions to several threatened salmonid species. However, NMFS also provided some exceptions to the application of these section 9 take prohibitions. These exceptions are referred to as 4(d) limits; they specify categories of activities to which section 9 take prohibitions may not apply when activities contribute to conserving listed salmonids or are governed by programs that adequately limit impacts on listed salmonids.

Under Limit 6 of the 4(d) Rule, State and Tribal governments conducting jointly-managed hatchery or fishery activities would not be subject to the ESA section 9 take prohibitions provided that activities are implemented under a Resource

Management Plan that meets the requirements of Limit 6. For NMFS to determine that a Resource Management Plan meets the requirements of Limit 6, the plan must clearly state its intended scope and area of impact and define management objectives consistent with the criteria referenced in Limit 6 of the 4(d) rule.

The co-managers have jointly submitted to NMFS two Resource Management Plans for Puget Sound region hatcheries. One plan describes hatchery programs that produce chinook salmon. The other plan describes hatchery programs that produce steelhead, and coho, sockeye, pink, and chum salmon. Appended to the overarching Resource Management Plans are 117 individual Hatchery and Genetic Management Plans (HGMPs) for each hatchery program. The HGMPs describe each hatchery program in more detail, including specific measures proposed by the co-managers to minimize the risk of adversely affecting Puget Sound chinook salmon and Hood Canal summer chum salmon. NMFS listed both salmon species as threatened in March 1999 (64 FR 14308). The Puget Sound chinook salmon Evolutionarily Significant Unit (ESU; NMFS' application of distinct population segment to salmon) includes all naturally spawned spring, summer, and fall runs of chinook salmon in the Puget Sound region from the North Fork Nooksack River, extending into south Puget Sound, Hood Canal, and the eastern Strait of Juan de Fuca, including the Elwha River on the Olympic Peninsula. This ESU is located in portions of Clallam, Island, King, Kitsap, Jefferson, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties in Washington State. The Hood Canal summer chum salmon ESU includes all naturally spawned summer-run chum in tributaries to Hood Canal and Discovery, Sequim, and Dungeness Bays in the eastern Strait of Juan de Fuca. This ESU is located in portions of Clallam, Jefferson, Kitsap, and Mason Counties of Washington State.

NMFS will conduct an environmental review of the Resource Management Plans and prepare an EIS. The EIS will consider potential impacts on listed and non-listed species and their habitats, water quality and quantity, socioeconomic, and environmental justice. The EIS could also include information regarding potential impacts on other components of the human environment, including air quality, transportation, and cultural resources.

NMFS will rigorously explore and objectively evaluate a full range of

reasonable alternatives in the EIS including the proposed action (implementation of the co-managers' Resource Management Plans) and a No Action alternative. Additional alternatives could include at least the following: (1) a decrease in artificial production in selected programs that have a primary goal of augmenting fisheries, and (2) an increase in artificial production in selected programs that have a primary goal of augmenting fisheries.

Comments and suggestions are invited from all interested parties to ensure that the EIS considers the full range of related issues and alternatives to the proposed action. NMFS requests that comments be as specific as possible. In particular, NMFS requests information regarding: other possible alternatives; the direct, indirect, and cumulative impacts that implementation of the proposed Resource Management Plans could have on endangered and threatened species and their communities and habitats; potential adaptive management and/or monitoring provisions; funding issues; baseline environmental conditions in Clallam, Island, King, Kitsap, Jefferson, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties; other plans or projects that might be relevant to this proposed project; and potential methods to minimize and mitigate for impacts.

Written comments concerning the proposed action and its environmental review should be directed to NMFS as described above (see **ADDRESSES**). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. Questions may be directed to Allyson Ouzts with NMFS at (503) 736-4736.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500 parts 1508), and other appropriate Federal laws and regulations, and policies and procedures of NMFS for compliance with those regulations.

Dated: May 7, 2004.

**Phil Williams,**

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

[FR Doc. 04-10788 Filed 5-11-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041604B]

#### Endangered Species; File No. 1438

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Dr. Thane Wibbels, Department of Biology, University of Alabama at Birmingham, Birmingham, AL 35294-1170 has been issued a permit to take Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*), and green (*Chelonia mydas*) sea turtles for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376;

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Jennifer Skidmore, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On June 16, 2003 notice was published in the **Federal Register** (68 FR 35630) that a request for a scientific research permit to take loggerhead, Kemp's ridley and green sea turtles had been submitted by the above-named individual. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The permit holder will utilize tangle net methodology combined with observational surveys from boats to study sea turtles in the estuarine systems of Alabama state waters from Grand Bay to Perdido Bay. The purpose of the research is to provide a basic understanding of the abundance, location, and movement of sea turtles within these estuarine ecosystems. This research will help resource managers develop optimal management strategies for these estuaries in order to conserve and protect sea turtles and their habitat. The permit holder will take 30 Kemp's

ridley, 30 loggerhead, and 30 green sea turtles annually. Turtles will be captured with a 9.9 inch (25 cm) mesh tangle net that is 731.7 feet (223 m) long by 19.7 feet (6 m) deep. Turtles will be measured, weighed, flipper tagged, blood sampled and released. A subset of five loggerhead and five Kemp's ridley sea turtles will be tagged with a sonic or satellite transmitter. The duration of this permit is 5 years.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: May 6, 2004.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 04-10784 Filed 5-11-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041904B]

#### Endangered Species; File No. 1295

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

**ACTION:** Issuance of permit amendment.

**SUMMARY:** Notice is hereby given that the NMFS Northeast Fishery Science Center (Responsible Official- Dr. John Boreman) has been issued a modification to scientific research Permit No. 1295.

**ADDRESSES:** The modification and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On February 5, 2004, notice was published in the **Federal Register** (69 FR 5508)