

1972 (Public Law 92-463) and under the secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393) the Sierra National Forest's Resource Advisory Committee for Madera County will meet on Monday, September 20, 2004. The Madera Resource Advisory Committee will meet at the Forest Service Office, North Fork, CA, 93643. The purpose of the meeting is: Review the RAC accomplishments from 2002 to 2004, close out any old business.

DATES: The Madera Resource Advisory Committee meeting will be held Monday, September 20, 2004. The meeting will be held from 7 p.m. to 9 p.m.

ADDRESSES: The Madera County RAC meeting will be held at the Forest Service Office, 57003 Road 225, North Fork, CA 93644.

FOR FURTHER INFORMATION CONTACT: Dave Martin, USDA, Sierra National Forest, Bass Lake Ranger District, 57003 Road 225, North Fork, CA, 93643 (559) 877-2218 ext. 3100; e-mail dmartin05@fs.fed.us.

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Review the RAC accomplishments from 2002 to 2004, (2) close out any old business.

Dated: August 24, 2004.

David W. Martin,

District Ranger, Bass Lake Ranger District.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. No. 050304B]

Endangered and Threatened Species: Extension of Public Comment Period and Notice of Public Hearings on Proposed Hatchery Listing Policy and Proposed Listing Determinations for West Coast Salmonids

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

ACTION: Extension of public comment period; notice of public hearings.

SUMMARY: In June 2004, NMFS proposed a new policy for the consideration of hatchery salmon (chum, *Oncorhynchus keta*; coho, *O. kisutch*, sockeye, *O. nerka*; chinook, *O. tshawytscha*) and *O. mykiss* (inclusive of anadromous steelhead and resident rainbow trout) in Endangered Species Act (ESA) listing

determinations. As part of this proposal, NMFS announced a public comment period. In this notice, NMFS is extending the public comment period for this proposal to October 20. Additionally, NMFS is announcing that hearings will be held at eight locations in the Pacific Northwest from mid-September to mid-October to provide additional opportunities and formats to receive public input. Dates and locations of public hearings to be held in California will be announced in a subsequent **Federal Register** notice.

DATES: Written comments must be received by October 20, 2004. See **SUPPLEMENTARY INFORMATION** for the specific public meeting dates.

ADDRESSES: YOU MAY SUBMIT COMMENTS ON THE PROPOSED HATCHERY LISTING POLICY (69 FR 31354; JUNE 3, 2004) BY ANY OF THE FOLLOWING METHODS:

E-mail: The mailbox address for submitting e-mail comments on the hatchery listing policy is hatch.policy@noaa.gov. Please include in the subject line of the e-mail comment the document identifier "Hatchery Listing Policy."

Mail: Submit written comments and information to Chief, NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 500, Portland, Oregon, 97232-2737. Please identify the comment as regarding the "Hatchery Listing Policy." You may hand-deliver written comments to our office at the street address given above, suite 210. Business hours are 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays (i.e., September 6, 2004, and October 11, 2004, during the extended comment period).

Hand Delivery/Courier: NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 210, Portland, Oregon, 97232-2737. Business hours are noted above.

Fax: 503-230-5435. Please identify the fax comment as regarding the "Hatchery Listing Policy."

See **SUPPLEMENTARY INFORMATION** for hearing locations. You may obtain information updates on the public hearings on the Internet at the following web address: <http://www.nwr.noaa.gov/AlseaResponse/meetings.html/>.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 231-2005. Copies of the **Federal Register** notices cited herein and additional salmon-related materials are available on the Internet at <http://www.nwr.noaa.gov>.

SUPPLEMENTARY INFORMATION:

Background

On June 3, 2004, NMFS published a proposed policy addressing the role of hatchery produced Pacific salmon and *O. mykiss* in ESA listing determinations (69 FR 31354; "proposed hatchery listing policy"). The proposed hatchery listing policy would supersede NMFS' 1993 Interim Policy on salmonid artificial (hatchery) propagation (58 FR 17573; April 5, 1993), which requires revision following the 2001 U.S. District Court ruling in *Alsea Valley Alliance v. Evans* (161 F. Supp. 2d 1154, D. Oreg. 2001; appeal dismissed, 358 F.3d 1181 (9th Cir. 2004); *Alsea* ruling). The *Alsea* ruling held that NMFS had made an improper distinction under the Endangered Species Act (ESA) by not listing certain artificially propagated salmon populations determined to be part of the same Evolutionarily Significant Unit (ESU) as listed natural populations. Under the proposed hatchery listing policy: hatchery fish with a level of genetic divergence relative to local natural populations that is no more than would be expected between closely related populations within the ESU would be included as part of the ESU; within-ESU hatchery fish would be considered in determining whether the ESU should be listed under the ESA; and within-ESU hatchery fish would be included in any listing of the ESU. NMFS applied this proposed policy in conducting its comprehensive review of ESA listing status for 26 previously listed ESUs, and one candidate ESU, of West Coast salmon and *O. mykiss*.

Extension of Public Comment Period

Several requests have been received to extend the comment period for the proposed hatchery listing policy. The comment period for the proposed policy was to end on September 1, 2004. NMFS is extending the comment period until October 20, 2004, to allow for adequate opportunity for public comment (see **DATES** and **ADDRESSES**).

Public Hearings

Joint Commerce-Interior ESA implementing regulations state that the Secretary shall promptly hold at least one public hearing if any person requests one within 45 days of publication of a proposed regulation to list a species or to designate critical habitat (see 50 CFR 424.16(c)(3)). In past ESA rule-making NMFS has conducted traditional public hearings, consisting of recorded oral testimony from interested individuals. This format, although providing an alternative means of public input, is time consuming for the

attendees and does not provide opportunities for dialogue and information exchange. NMFS believes that the traditional public hearing format can be improved upon by also including opportunities for individuals to discuss specific elements of the proposals with agency staff in small groups. The "open-house" format of the public meetings, described below, will enhance the ability of the public to engage effectively in the rulemaking process, while respecting their valuable time and resources.

Meeting Format

NMFS believes that the proposed hatchery listing policy and the subsequent proposed listing determinations for 27 West Coast ESUs of salmon and *O. mykiss* (see 69 FR 33101; June 14, 2004) are important to salmon recovery. Public engagement on these intimately related proposals will be combined into the same public meetings to make efficient use of the agency's and the public's time and resources.

Afternoon Practitioners' Sessions – Afternoon sessions (1:30 p.m. to 4:30 p.m.) will be provided for local practitioners and stakeholders involved with managing the ESA on a regular basis, including: tribal governments; forestry and agricultural interests; home builders and developers; the sport and commercial fishing community; the environmental community; the business community; utility and special districts; local government elected officials and their staff; other locally-based Federal and state agencies; and public interest groups. The structure of these afternoon meetings will be tailored to allow practitioners and NMFS staff to discuss the specific issues that are of local concern. Attendance at the afternoon sessions will be on a pre-registration basis. Information on attending the practitioners' afternoon sessions is available from NMFS upon request (see **FOR FURTHER INFORMATION CONTACT**, above) as well as on the Internet at <http://www.nwr.noaa.gov/AlseaResponse/meetings.html/>.

Evening Open House and Public Testimony – Evening "open house" sessions designed for broader public participation will be conducted on the same day as the afternoon practitioners' sessions. The "open house" format will provide the general public with an opportunity to meet with NMFS staff in small groups on specific topics in order to learn more about the proposals and their possible impacts on their communities. These evening meetings will also provide opportunities for the public to make formal recorded

comments on the proposals. The preferred means of providing public comment for the official record is via written testimony prepared in advance of the meeting. In addition, blank "comment sheets" will be provided at the evening meetings for those without prepared written comments, and facilities will also be provided for recording oral testimony. The evening sessions will be open from 6:30 p.m. to 9:30 p.m. Because these sessions will be designed as open houses where the public can move from "station" to "station" and discuss their particular interests with NMFS staff, members of the local community can come and go from the meeting as they please. For those who are interested, there will also be a short presentation on the proposed hatchery listing policy and the proposed listing determinations from NMFS beginning at 6:30 p.m. NMFS hopes that this format will allow busy community members to participate without necessarily attending the entire evening. Members of the public wishing to attend the evening open house meetings will receive the notification through advertising. NMFS Northwest Region's web page (<http://www.nwr.noaa.gov/AlseaResponse/meetings.html/>), and public notices published in their community. There is no need to register; just drop in anytime during the course of the evening event.

Meeting Dates & Locations

Public meetings, including both afternoon practitioners' (1:30 p.m. to 4:30 p.m.) and evening open house sessions (6:30 p.m. to 9:30 p.m.), will be held at eight locations in the Pacific Northwest from mid-September to mid-October. The specific dates and locations of these meetings are listed below:

(1) September 14, 2004, at the Chelan County Public Utility District (PUD) Auditorium, 327 N. Wenatchee Ave., Wenatchee, WA 98801.

(2) September 16, 2004, at the Red Lion Hotel Columbia Center, N. 1101 Columbia Center Blvd, Kennewick, WA 99336.

(3) September 22, 2004, at the Shilo Inn Hotel, 536 SW Elizabeth, Newport, OR 97635.

(4) September 28, 2004, at the Stagecoach Inn, 201 Highway 93 North, Salmon, ID 83467.

(5) September 30, 2004, at the Red Lion Hotel, 621 21st St., Lewiston, ID 83501.

(6) October 5, 2004, at the Radisson Hotel (SeaTac Airport), 17001 Pacific Highway South, Seattle WA 98118.

(7) October 7, 2004, at Umpqua Community College, 1140 College Rd., Roseburg, OR 97470.

(8) October 13, 2004, at the Portland Building, 1120 SW 5th Ave, Portland, OR 97204.

Directions to the meeting locations can be obtained on the Internet at <http://www.nwr.noaa.gov/AlseaResponse/meetings.html/>. Dates and locations of public hearings to be held in California will be announced in a subsequent Federal Register notice.

In scheduling these public meetings, NMFS has anticipated that many affected stakeholders and members of the public may prefer to discuss the proposed hatchery listing policy directly with staff during the public comment period. These public meetings are not the only opportunity for the public to provide input on this proposal. The public and stakeholders are encouraged to continue to comment and provide input to NMFS on the proposals (via correspondence, e-mail, and the Internet; see **ADDRESSES**, above) up until the scheduled close of the comment period on October 20, 2004.

References

Copies of the **Federal Register** notices and related materials cited in this document are available on the Internet at <http://nwr.noaa.gov>, or upon request (see **ADDRESSES** section above).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: August 25, 2004.

Donna Wieting,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051804D]

Notice of Availability of the Draft Revised Recovery Plan for the North Atlantic Right Whale

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS announces the availability for public review of the draft revised Recovery Plan (Plan) for the North Atlantic Right Whale (*Eubalaena glacialis*). NMFS is soliciting review and comment from the public and all