

Assessment (EA) on May 9, 1995, that addressed the impacts on the human environment from issuance of IHAs and the alternatives to that action. NMFS' analysis resulted in a Finding of No Significant Impact. In addition, NMFS prepared an EA in 1997 that concluded that the impacts of CALTRANS' seismic retrofit construction of the Bridge will not have a significant impact on the human environment. Accordingly, this action has not changed significantly from the 1997 action, it is categorically excluded from further NEPA analysis and, therefore, a new EA will not be prepared. A copy of these two relevant EAs are available upon request.

### Conclusions

NMFS has determined that the short-term impact of the seismic retrofit construction of the Bridge, as described in this document, should result, at worst, in the temporary modification in behavior by harbor seals and, possibly, by some California sea lions. While behavioral modifications, including temporarily vacating the haulout, may be made by these species to avoid the resultant visual and acoustic disturbance, this action is expected to have a negligible impact on the animals. In addition, no take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document.

### Authorization

For the reasons previously discussed, NMFS has issued an IHA for a 1-year period, for the incidental harassment of harbor seals and California sea lions by the seismic retrofit of the Richmond-San Rafael Bridge, San Francisco Bay, CA, provided the above mentioned mitigation, monitoring and reporting requirements are incorporated.

Dated: September 23, 2002.

**David Cottingham,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 091802C]

### Endangered and Threatened Species; Take of Anadromous Fish

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of applications for scientific research permits (1400, 1401) and request for comment.

**SUMMARY:** Notice is hereby given that NMFS has received an application for scientific research from Wildlands, Inc. (WILDLANDS) in Citrus Heights, CA (1400), and the California Department of Water Resources (CDWR) in Sacramento, CA (1401). These permits would affect three Evolutionarily Significant Units (ESUs) of salmonids identified in Supplementary Information below. This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NMFS.

**DATES:** Written comments on the permit applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on October 30, 2002.

**ADDRESSES:** Written comments on the modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review, by appointment, for permits 1400 and 1401: Protected Resources Division, NMFS, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814 (ph: 916-930-3600, fax: 916-930-3629). Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 3226 (301 713 1401).

**FOR FURTHER INFORMATION CONTACT:** For permits 1400 and 1401: Rosalie del Rosario at phone number 916-930-3600, or e-mail: [Rosalie.delRosario@noaa.gov](mailto:Rosalie.delRosario@noaa.gov).

### SUPPLEMENTARY INFORMATION:

#### Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531 1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are

issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

### Species Covered in This Notice

This notice is relevant to three federally-listed salmonid ESUs: endangered Sacramento River Winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley Spring-run Chinook salmon (*O. tshawytscha*), and threatened Central Valley steelhead (*O. mykiss*).

### New Applications Received

WILDLANDS requests a 1-year permit for takes of adult and juvenile endangered Sacramento River Winter-run Chinook salmon, threatened Central Valley Spring-run Chinook salmon, and threatened Central Valley steelhead to monitor seasonal fish use of newly created aquatic habitat within the restored tidal wetlands on Kimball Island (in the Sacramento-San Joaquin Delta). CDWR requests a 2.5-year permit for takes of adult and juvenile endangered Sacramento River Winter-run Chinook salmon, threatened Central Valley Spring-run Chinook salmon, and threatened Central Valley steelhead to study the temporal and spatial distribution of fish in relation to the Sacramento Deep Water Ship Channel Lock. The goal of the study is to evaluate fish passage in the boat lock system.

Dated: September 23, 2002.

**Phil Williams,**

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

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