

**DATES:** Written comments from interested parties on the revised permit applications must be received at the appropriate address or fax number (*see ADDRESSES*) no later than 5 p.m. Pacific Standard Time on July 25, 2002.

**ADDRESSES:** Submit comments on the revised permit application and requests for information to Ritchie Graves, National Marine Fisheries Service, Northwest Region, Hydro Program, 525 NE Oregon Street, Suite 420, Portland, OR 97232-2737. Comments may also be sent via facsimile to 503/231-2318. Comments will not be accepted if submitted via e-mail or the Internet. The revised permit applications, revised Anadromous Fish Agreements and HCPs, and supporting documents are also available electronically on the Internet at [www.nwr.noaa.gov](http://www.nwr.noaa.gov). Comments received will also be available for public inspection, by appointment, during normal business hours by calling (503) 231-6891.

**FOR FURTHER INFORMATION CONTACT:** Ritchie Graves at (ph: 503/231-6891, facsimile: 503/231-2318, e-mail: [Ritchie.Graves@noaa.gov](mailto:Ritchie.Graves@noaa.gov)).

**SUPPLEMENTARY INFORMATION:**

**Authority**

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 section 10(a)(1)(b) of the ESA, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Authority to take listed species is subject to conditions set forth in the permits. Permits are issued in accordance with and are subject to the ESA and NMFS regulations governing threatened and endangered species (50 CFR 222.307).

**Species Covered in This Notice**

The following species and evolutionarily significant units are covered in this Notice:

Endangered Upper Columbia River (UCR) spring-run chinook salmon (*Oncorhynchus tshawytscha*) and steelhead (*O. mykiss*), unlisted UCR summer/fall-run chinook salmon (*O. tshawytscha*), Okanogan River and Lake Wenatchee sockeye salmon (*O. nerka*), and UCR coho salmon (*O. kisutch*).

**Background**

The applicants provided NMFS with proposed Anadromous Fish Agreements

and HCPs with the intent of obtaining incidental take permits pursuant to ESA section 10(a)(1)(B) in July, 1998. The proposed Anadromous Fish Agreements and HCPs were developed over several years of negotiations with federal and state resource agencies, Indian tribes, and with American Rivers (a non-governmental environmental organization). While these negotiations produced the agreements proposed in 1998, additional information and input was needed to complete the applications. NMFS developed a DEIS analyzing the proposed agreements and HCPs and issued it for public comment on December 29, 2000. Beginning in September, 2002, the parties engaged in additional discussions to resolve issues raised in DEIS comments and to develop complete permit applications. As a result of these discussions, revised Anadromous Fish Agreements and HCPs were developed. NMFS has executed these as contingent agreements, which are effective only upon approval by the Federal Energy Regulatory Commission and issuance by NMFS of incidental take permits after completion of the NEPA and ESA review processes, including thorough consideration of any comments received.

**Habitat Conservation Plan**

The revised Anadromous Fish Agreements and HCPs continue to include a standard of "no net impact" which consists of a 95-percent juvenile dam passage survival standard and a 91-percent total project survival standard for each of the Plan species. These standards will be achieved through implementation of various measures including increased spill and a new juvenile bypass facility at the Rocky Reach Project. The total project survival standard includes both the juvenile and adult life stages of the Plan species. The unavoidable project mortality (i.e., the remaining 9 percent of the Plan species still impacted by project operations) will be mitigated through a habitat conservation fund and a supplementation program. The habitat fund will address 2 percent of the unavoidable loss and the supplementation program will address the remaining 7 percent. The applicants are requesting incidental take permits with a term of 50 years, settlement under the Federal Power Act when each project is relicensed, and "no surprises" guarantee from the Federal government, limited in certain circumstances as defined in the agreements.

This notice is provided pursuant to section 10(a) of the ESA. NMFS will evaluate the application, associated

documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the ESA and NEPA regulations. If it is determined that the requirements are met, a permit will be issued for the incidental takes of listed species under the jurisdiction of NMFS. The final NEPA and permit determinations will not be completed until after the end of the 30-day comment period and NMFS will fully consider all public comments received during the comment period.

Dated: June 19, 2002.

**Margaret Lorenz,**

*Acting 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. 061202B]

**Taking and Importing of Marine Mammals**

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

**ACTION:** Notice of affirmative finding renewal.

**SUMMARY:** The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) renewed the affirmative finding for the Government of Mexico under the Marine Mammal Protection Act (MMPA). The renewal of Mexico's affirmative finding allows for the continued importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) after March 3, 1999, by purse seine vessels operating under Mexican jurisdiction. The affirmative finding renewal was based on review of documentary evidence submitted by the Government of Mexico and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the Department of State.

**DATES:** Effective April 1, 2002, through March 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California, 90802-4213; Phone 562-980-4000; Fax 562-980-4018.

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, as

amended by the International Dolphin Conservation Program Act (IDCPA) (Pub. L. 105-42), allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State. A finding will remain valid for 1 year (April 1 through March 31) or for such other period as the Assistant Administrator may determine. An affirmative finding applies to yellowfin tuna and tuna products that were harvested in the ETP by purse seine vessels under the jurisdiction of the nation after March 3, 1999, the effective date of the IDCPA.

The affirmative finding process requires that the harvesting nation meet several conditions related to compliance with the International Dolphin Conservation Program (IDCP). Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. A nation may opt to provide information regarding compliance with the IDCP directly to NMFS on an annual basis or to authorize the IATTC to release the information to NMFS in years when NMFS will review and consider whether to issue an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f)(9) are no longer being met or that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the IDCP.

As a part of the annual review process set forth in 50 CFR 216.24 (f)(9), the Assistant Administrator considered documentary evidence submitted by the Government of Mexico and obtained from the IATTC and the Department of State and determined that the requirements under the MMPA to receive an affirmative finding have been met for the purposes of renewing an affirmative finding.

After consultation with the Department of State, NMFS has renewed the Government of Mexico's affirmative finding, thereby allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP after March 3, 1999, by Mexican-

flag purse seine vessels with a carrying capacity greater than 400 short tons (362.8 metric tons) or purse seine vessels with a carrying capacity greater than 400 short tons (362.8 metric tons) operating under Mexican jurisdiction. This renewal will remain in effect for 1 year (April 1, 2002, through March 31, 2003).

In subsequent years 2003 and 2004, the Assistant Administrator will determine on an annual basis whether the Government of Mexico is meeting the requirements under section 101 (a)(2)(B) and (C) of the MMPA. If necessary, documentary evidence may also be requested from the Government of Mexico to determine whether the affirmative finding criteria are being met. If the affirmative finding for the Government of Mexico is renewed after NMFS' annual review in the years 2003 and 2004, the Government of Mexico must submit a new application in early 2005 for an affirmative finding to be effective for the period April 1, 2005, through March 31, 2006, and subsequent 4 years.

Dated: June 19, 2002.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 061202C]

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

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

**ACTION:** Receipt of an application for a scientific research permit (1386) and receipt of applications to modify two permits (1291, 1322).

**SUMMARY:** NMFS has received one new permit application and two applications to modify existing scientific research permits related to Pacific salmon and steelhead. The proposed research is intended to increase knowledge of the ESA-listed species and to help guide management and conservation efforts.

**DATES:** Comments or requests for a public hearing on the new application or modification requests must be received at the appropriate address or fax number (see **ADDRESSES**) no later

than 5 p.m. Pacific daylight savings time on July 25, 2002.

**ADDRESSES:** Written comments on the new application or modification requests should be sent to Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737 (503-230-5400). Comments may also be sent via fax to 503-230-5435. Comments will not be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:** Steve Stone, Portland, OR (ph: 503-231-2317, Fax: 503-230-5435, e-mail: [steve.stone@noaa.gov](mailto:steve.stone@noaa.gov)).

#### SUPPLEMENTARY INFORMATION:

##### Species Covered in This Notice

The following ESA-listed species and evolutionarily significant units (ESUs) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR); threatened Ozette Lake.

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring-run; threatened, naturally produced and artificially propagated, SnR spring/summer; threatened SnR fall; threatened lower Columbia River (LCR); threatened upper Willamette River (UWR); threatened, naturally produced and artificially propagated, Puget Sound.

Chum salmon (*O. keta*): threatened Columbia River (CR); threatened Hood Canal summer-run.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened SnR; threatened middle Columbia River (MCR); threatened LCR.

#### Authority

Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et. seq.*). Issuance of permits and permit modifications, as required by the ESA, is based on a finding that such permit/modifications: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of 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