

India. The full discussion of our bases for not initiating on these programs is set forth in the *CVD Initiation Checklist*:

1. Import Mechanisms (Sale of Import Licenses)
2. Duty Drawback on Excise Taxes

### **Allegations and Evidence of Material Injury and Causation**

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or threatened with material injury, by reason of subsidized imports from India of the subject merchandise. Petitioner contends that the industry's injured condition is evident in the reduced levels of production and capacity utilization, decline in profits, decline in research and development, decreased U.S. market share, lost sales and revenue, and price suppression and depression. The allegations of injury and causation are supported by relevant evidence including lost sales and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and have determined that these allegations are properly supported by accurate and adequate evidence and meet the statutory requirements for initiation. See *CVD Initiation Checklist*.

### **Initiation of Countervailing Duty Investigation**

Based on our examination of the petition on DAS and SFWA, and petitioner's responses to our requests for supplemental information clarifying the petition, we have found that the petition meets the requirements of section 702(b) of the Act. Therefore, in accordance with section 702(b) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters of DAS and SFWA from India receive countervailable subsidies. Unless the deadline is extended, we will make our preliminary determination no later than 65 days after the date of this initiation.

### **Distribution of Copies of the Petition**

In accordance with section 702(b)(4)(A)(i) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of India. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition, as provided for under 19 CFR 351.203(c)(2).

### **International Trade Commission Notification**

Pursuant to section 702(d) of the Act, we have notified the ITC of our initiation.

### **Preliminary Determination by the ITC**

The ITC will determine, no later than June 28, 2003, whether there is a reasonable indication that imports of subject merchandise from India are materially injuring, or threatening material injury to, a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: June 3, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-S**

### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

### **DEPARTMENT OF THE INTERIOR**

#### **U.S. Fish and Wildlife Service**

[I.D. 050103A]

### **Notice of Intent To Conduct Public Scoping and Prepare an Environmental Impact Statement Related to the King County, WA, Habitat Conservation Plan**

**AGENCIES:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Fish and Wildlife Service (USFWS), Interior.

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

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) and in accordance with the Washington State Environmental Policy Act, this notice advises the public that the USFWS and NMFS (collectively, the Services) intend to gather information necessary to prepare an Environmental Impact Statement (EIS). The EIS is for the potential approval of a Habitat Conservation Plan (HCP) and issuance of two incidental take permits (from NMFS and from the USFWS) to take seven endangered and threatened species and 22 unlisted species in accordance with the Endangered Species Act, as amended (ESA). The permit applicant is King County, WA, Department of Natural Resources and Parks, Wastewater Treatment Division (King County). The application is related to construction, operation, and maintenance activities associated with a

regional wastewater conveyance and treatment system in western King, Snohomish, and Pierce Counties, WA (permit activities).

The Services provide 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 comments are encouraged, and should be received on or before August 11, 2003. The Services will jointly hold public scoping meetings on the following dates:

Date	Time	Location
June 17, 2003 ..	3 - 6 p.m.	King Street Center, 201 S. Jackson Street, 8th Floor Conference Center, Seattle, WA
June 24, 2003 ..	6 - 8 p.m.	Kohlwes Education Center, 300 SW 7th Street, Renton, WA
June 26, 2003 ..	6 - 8 p.m.	Northshore Utility District, 6830 NE 185th Street, Kenmore, 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 Jon Avery, USFWS, 510 Desmond Drive S.E., Suite 102, Lacey, WA 98503-1273; facsimile 360-753-9518; or to Phyllis Meyers, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-6349.

**FOR FURTHER INFORMATION CONTACT:** Jon Avery, USFWS, 360-753-5824; or Phyllis Meyers, NMFS, 206-526-4506.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. The Services expect to take action on ESA section 10(a)(1)(B) permit applications anticipated from the King County Wastewater Treatment Division. Therefore, the Services are seeking public input on the scope of the required NEPA analysis, including the range of reasonable alternatives and associated impacts of any alternatives.

Section 9 of the ESA and implementing 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 (16 U.S.C. 1532 (19)). Harm is defined by the USFWS to include significant habitat modification or

degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS' definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727, November 8, 1999).

Section 10 of the ESA contains provisions for the issuance of incidental take permits to non-Federal landowners for the take of endangered and threatened species, provided that all

permit issuance criteria are met, including the requirement that the take is incidental to otherwise lawful activities, and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval, an HCP containing a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the HCP will be provided.

King County needs permits because some its activities have the potential to take listed species. Therefore, King

County intends to request permits from NMFS and FWS for Chinook salmon (*Oncorhynchus tshawytscha*), bull trout (*Salvelinus confluentus*), and five other listed species (see table below). King County also plans to seek coverage for approximately 22 currently unlisted fish and wildlife species including Dolly Varden (*Salvelinus malma*), proposed for listing under the ESA's similarity of appearance provisions, and the Western yellow-billed cuckoo (*Coccyzus americanus*), a candidate for listing under the ESA under specific provisions of the proposed incidental take permits, should these species be listed in the future.

FEDERALLY LISTED SPECIES PROPOSED FOR COVERAGE

Common Name	Scientific Name	Status	Responsible Agency
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Threatened	NMFS
Bull trout	<i>Salvelinus confluentus</i>	Threatened	USFWS
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	USFWS/NMFS
Marbled murrelet	<i>Brachyramphus marmoratus</i>	Threatened	USFWS
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened	USFWS
Steller's sea lion	<i>Eumetopias jubatus</i>	Endangered	NMFS
Humpback whale	<i>Megaptera novaeangliae</i>	Endangered	NMFS

King County owns and operates a regional wastewater conveyance and treatment system that serves 1.3 million people in the greater Seattle area. The system receives wastewater from a 420-square-mile area in King County and parts of Snohomish and Pierce Counties. Using an extensive network of pipes and pumps, King County currently conveys wastewater collected from local sewer districts to one of two regional treatment plants, where it undergoes both primary and secondary treatment before it is discharged into Puget Sound through outfalls located offshore of West Point and Duwamish Head.

In response to projected population growth within the Puget Sound region, King County has developed the Regional Wastewater Services Plan (RWSP), which enumerates the new and expanded facilities that King County will need throughout its three-county service area to meet increased demand for its wastewater conveyance and treatment services over the next 40 years. The RWSP is the subject of a Washington State Environmental Policy Act document entitled "Final Environmental Impact Statement for the Regional Wastewater Services Plan, April 1998," prepared by the Wastewater Treatment Division of the King County Department of Natural Resources. Construction, operation, and maintenance activities associated with

some new or expanded facilities called for in the RWSP, as well as those same activities associated with some existing King County facilities, have the potential to impact species subject to protection under Section 9 of the ESA.

King County has initiated discussions with the Services regarding the possibility of receiving permits that would cover take of listed species incidental to the following otherwise lawful activities:

- (1) King County's existing and proposed secondary treated effluent discharges permitted under the National Pollutant Discharge Elimination System;
- (2) Construction, operation, and maintenance activities associated with King County's existing and proposed effluent discharge outfalls;
- (3) Construction, operation, and maintenance activities associated with King County's existing and proposed wastewater treatment facilities;
- (4) Construction, operation, and maintenance activities associated with King County's existing and proposed conveyance facilities;
- (5) King County habitat restoration projects, water quality improvement projects, water quality and fish habitat monitoring programs, and adaptive management activities intended to avoid, minimize, and mitigate the impacts of King County activities (1)- (4) on the proposed covered species, to the maximum extent practicable.

The King County Wastewater Treatment Division is currently considering the following types of conservation measures for the proposed Habitat Conservation Plan:

- (a) A program of land conservation for the preservation, enhancement, or creation of suitable habitats for species addressed in the HCP to mitigate impacts associated with proposed construction activities;
- (b) Development of new construction best management practices to avoid or minimize construction impacts on species addressed in the HCP;
- (c) Commitment to continuing certain wastewater source control activities that are currently voluntary, targeted at reducing potential environmental risks by removing wastes before they are discharged into the sewer system;
- (d) Implementation of an adaptive management program with ongoing monitoring and adjustment of covered activities.

Under NEPA, a reasonable range of alternatives to a proposed project must be developed and considered in the Services' environmental review. At a minimum, the alternatives developed must include: (1) A No Action alternative, and (2) the Proposed Action, with thorough descriptions of its management features and anticipated resource conservation benefits and potential impacts. For the present environmental review, the Services

intend to review the HCP and to prepare an EIS. The environmental review will analyze King County's proposed HCP, a "No Action" alternative reflecting the baseline conditions in King, Pierce, and Snohomish Counties under current wastewater treatment practices, as well as a full range of reasonable alternatives and the associated impacts of each. The Services are currently in the process of developing alternatives for analysis. Additional project alternatives may be developed based on input received from this and future scoping notices during development of the EIS.

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to this proposed action and all significant issues are identified. The Services request that comments be as specific as possible. In particular, we request information regarding: the direct, indirect, and cumulative impacts that implementation of the proposed HCP could have on endangered and threatened and other covered species and their communities and habitats; other possible alternatives; potential adaptive management and/or monitoring provisions; funding issues; baseline environmental conditions in King, Pierce, and Snohomish Counties; other plans or projects that might be relevant to this proposed project; and minimization and mitigation efforts.

In addition to considering potential impacts on listed and other covered species and their habitats, the EIS could include information on potential impacts resulting from alternatives on other components of the human environment. These other components could include air quality, water quality and quantity, geology and soils, cultural resources, social resources, economic resources, and environmental justice.

Comments or questions concerning this proposed action and the environmental review should be directed to the U.S. Fish and Wildlife Service or NMFS at the address or telephone numbers provided above. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public.

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 USC 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500–1508), other appropriate Federal laws and regulations, and policies and procedures of the Services for compliance with those regulations.

Dated: May 5, 2003.

**David Wesley,**

*Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon*

Dated: June 4, 2003.

**Phil Williams,**

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

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**BILLING CODES 3510–22–S, 4310–55–22**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 030528135–3135–01; I.D. 050103F]

#### Financial Assistance for Submerged Aquatic Vegetation (SAV) Culture and Large Scale Restoration Activities in Chesapeake Bay

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

**ACTION:** Notice of availability of funds.

**SUMMARY:** The purpose of this notice is to invite the public to submit proposals for available funding toward research and development projects that address various aspects of Chesapeake Bay Submerged Aquatic Vegetation (SAV) culture and large scale restoration projects. Funds are available to State, local and Indian tribal governments, institutions of higher education, other non-profit organizations and commercial organizations. This notice describes the conditions under which project proposals will be accepted and criteria under which proposals will be evaluated for funding consideration. Depending upon the level of Federal involvement in individual projects, selected recipients will enter into either a cooperative agreement or a grant.

**DATES:** Applications must be received by 5 p.m. eastern daylight savings time on July 10, 2003. Applications received after that time will not be considered for funding.

Statements of Intent (*see* **SUPPLEMENTARY INFORMATION**) should be submitted by June 30, 2003.

**ADDRESSES:** You can obtain an application package from, and send completed proposals to: Peter Bergstrom, NOAA Chesapeake Bay Office, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403. You can also obtain the application package from the NOAA Chesapeake Bay Office Home Page <http://noaa.chesapeakebay.net/>.

Applications will not be accepted electronically nor by facsimile machine submission. The statement of intent (*see* **SUPPLEMENTARY INFORMATION**) should be sent to Peter Bergstrom ([peter.bergstrom@noaa.gov](mailto:peter.bergstrom@noaa.gov)).

#### FOR FURTHER INFORMATION CONTACT:

Peter Bergstrom, NOAA Chesapeake Bay Office, telephone: (410) 267–5660, or e-mail: [peter.bergstrom@noaa.gov](mailto:peter.bergstrom@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

A statement of intent to submit a full proposal is requested although not required and will assist the NOAA Chesapeake Bay Office in setting up technical reviewers. It is requested that this statement provide a project title, associated investigators and approximate budget.

##### A. Authority

The Fish and Wildlife Act of 1956, as amended, at 16 U.S.C. 753a, authorizes the Secretary of Commerce (Secretary), for the purpose of developing adequate, coordinated, cooperative research and training programs for fish and wildlife resources, to continue to enter into cooperative agreements with colleges and universities, with game and fish departments of the several states, and with non-profit organizations relating to cooperative research units. The Secretary of Commerce is authorized under the Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c, to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of fisheries, resources thereof, and for fisheries habitat restoration.

##### B. Catalog of Federal Domestic Assistance (CFDA)

The projects to be funded are in support of the Chesapeake Bay Studies Program (CFDA 11.457).

##### C. Program Description

The Chesapeake Bay Studies Submerged Aquatic Vegetation Program is a new program initiated this year in response to language in the House Report (H.R. Rep. No. 108–10, at 712 (2003)). The main purpose of the program is to enhance and increase this important fisheries habitat in Chesapeake Bay and its tidal tributaries. Funding will be directed to complement existing and future efforts in this area by Federal, State, and local agencies, and community watershed associations.

Principle investigators will be expected to prepare for and attend one