

The purpose of the research is to monitor (using radio telemetry) juvenile fish movement, distribution, behavior, and survival in the Columbia River. The research would benefit listed salmonids by providing information on spill effectiveness, forebay residence times, and guidance efficiency under various flow regimes that would allow Federal resource managers to adjust bypass/collection structures and thereby optimize downriver migrant survival at the hydropower projects.

Permit 1322 Modification 2

The NWFSC is requesting that NMFS modify Permit 1322 to increase the annual number of listed fish taken in its research. Under the modification, the NWFSC would increase its annual take of juvenile threatened SR spring/summer chinook salmon (natural and artificially propagated); threatened SR fall chinook salmon; endangered UCR chinook salmon (natural and artificially propagated); threatened LCR chinook salmon, threatened UWR chinook salmon, and threatened CR chum salmon while conducting research in the Columbia River estuary. The NWFSC proposes to capture, handle, and release listed salmonids, and while most of the fish would be unharmed, some would die during the course of the research and a small number of them would be intentionally killed. Purse seines, trap nets, and beach seines would be used to capture the fish. Captured fish would be anesthetized, identified, sampled for tissues, and measured. Some fish would be sacrificed to confirm species identification, catch composition, food habits, and timing of estuarine entry. The NWFSC is also requesting an increase in the number of fish that may unintentionally be killed during the research.

The purposes of the research are to (1) determine the presence and abundance of fall and spring chinook salmon, coho salmon, and chum salmon in the estuary and Lower Columbia River; (2) determine the relationship between juvenile salmon and Lower Columbia River estuarine habitat; and (3) obtain information about flow change, sediment input, and habitat availability for the development of a numerical model. The research would benefit listed fish by serving as a basis for estuarine restoration and preservation plans. The NWFSC requests authorization to transfer fish tissue samples to the University of Washington, College of Ocean and Fisheries, School of Fisheries and Aquatic Sciences; Oregon State University, Hatfield Marine Science

Center; and Washington Department of Fish and Wildlife.

Permit 1376 Modification 1

The University of Washington (UW) is requesting that NMFS modify Permit 1376 to increase the number of threatened, juvenile and adult natural PS chinook salmon they can take annually during research conducted in Lakes Sammamish and Washington in Washington State. Permit 1376 was originally issued on July 31, 2002 (67 FR 17970). It authorized the UW to take threatened, juvenile natural PS chinook salmon in a study designed to illuminate food web interactions, identify sources of mortality, and determine the energetic requirements to sustain fish and zooplankton communities in each lake. The UW proposes to capture (using gillnets, trawls, hook-and-line, trot lines, minnow traps, beach seines, and backpack electrofishing equipment), anesthetize, handle, measure, weigh, examine the stomach contents using non-lethal evacuation, and release juvenile PS chinook salmon. The UW does not intend to kill any of the fish being captured, but a small number would die as a result of the research activities.

The study would help researchers identify and quantify factors limiting juvenile salmon (and other species') survival and growth. The increased take levels would help the UW gain more information on the prevalence and role of chinook salmon residualizing in this unique, lake-dominated watershed.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30 day comment period. NMFS will publish notice of its final actions in the **Federal Register**.

Dated: March 28, 2003.

Phil Williams,

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. 092898B]

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 to modify an existing scientific research/enhancement permit (1097) and request for comment.

SUMMARY: Notice is hereby given that NMFS has received an application for a permit modification from Cressey and Associates in El Cerrito, CA (1097). The modified permit would affect two Evolutionarily Significant Units (ESUs) of salmonids identified in the **SUPPLEMENTARY INFORMATION** section of this document. This document serves to notify the public of the availability of the permit modification application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received no later than 5 p.m. Daylight Savings Time on May 2, 2003.

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 in the indicated office, by appointment: For permit 1097: Daniel Logan, Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404 6528 (ph: 707 575 6053, fax: 707 578 3435). 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: Daniel Logan at phone number 707-575-6053, or e-mail: dan.logan@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, NMFS. 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 the following two threatened salmonid ESUs: threatened Central California Coast coho salmon *O. kisutch* and threatened Central California Coast steelhead *O. mykiss*.

Modification Request Received

Cressey and Associates requests a modification to permit 1097 for takes of juvenile ESA-listed coho salmon and steelhead associated with studies monitoring the ecology of salmonids in Austin Creek, a tributary of the Russian River in Sonoma County, CA. Cressey and Associates has proposed using electrofishing and snorkel surveys. Presently, permit 1097 authorizes take of adult and juvenile Central California Coast coho salmon, Southern Oregon/Northern California Coasts coho salmon, and Southern California steelhead associated with various scientific research projects in California. Without modification, permit 1097 expires June 30, 2003. This requested modification would add authorization for research activities in the Russian River watershed and extend the expiration of permit 1097 until June 30, 2008.

Dated: March 28, 2003.

Phil Williams,

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. 032803A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comment.

SUMMARY: The Puget Sound Treaty Tribes and the Washington Department of Fish and Wildlife submitted to NMFS, pursuant to the protective regulations promulgated for Puget Sound chinook salmon under the Endangered Species Act (ESA), a jointly developed Resource Management Plan (RMP). The RMP specifies the future management of commercial, recreational and tribal salmon fisheries potentially affecting listed Puget Sound chinook salmon from May 1, 2003, through April 30, 2004. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to how the RMP addresses the criteria in the ESA.

DATES: Written comments on the Secretary's proposed evaluation must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Daylight Time on April 17, 2003.

ADDRESSES: Written comments and requests for copies of the proposed evaluation should be addressed to Keith Schultz, Sustainable Fisheries Division, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115–0070. Comments may also be sent via fax to 206/526–6736. The document is also available on the internet at <http://www.nwr.noaa.gov/>. Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: Susan Bishop, Puget Sound Team Leader, at phone number: 206/526–4587, or e-mail: susan.bishop@noaa.gov.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU).

Background

The Puget Sound Treaty Tribes and the Washington Department of Fish and Wildlife have provided to NMFS a jointly developed Resource Management

Plan for Puget Sound chinook salmon. The RMP encompasses fisheries within the area defined by the Puget Sound Chinook Salmon ESU, as well as the western Strait of Juan de Fuca, which is not within the ESU. Harvest objectives specified in the RMP account for fisheries-related mortality throughout the migratory range of Puget Sound chinook salmon from Oregon and Washington to Southeast Alaska. The RMP also includes implementation, monitoring and evaluation procedures designed to ensure fisheries are consistent with these objectives.

As required by 50 CFR 223.203(b)(6) of the ESA 4(d) rule (50 CFR 223.203), the Secretary must determine pursuant to 50 CFR 223.209 and pursuant to the government-to-government processes therein whether the RMP for Puget Sound chinook salmon would appreciably reduce the likelihood of survival and recovery of the Puget Sound chinook salmon and other affected threatened ESUs. The Secretary must consider how the RMP addresses the criteria in 50 CFR 223.203(b)(4) in making that determination.

Authority

Under section 4(d) of the ESA, 16 U.S.C. 1533(d), the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids or are governed by a program that adequately limits impacts on listed salmonids, and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to actions undertaken in compliance with a resource management plan developed jointly within the continuing jurisdiction of United States v. Washington by the Puget Sound Treaty Tribes and the State of Washington (joint plan) and determined by the Secretary to be in accordance with the provisions of 50 CFR 223.203(b)(6).

A condensed 15–day written comment period on the Secretary's proposed evaluation is necessary given the short time between the submission of the Resource Management Plan to NMFS on February 21, 2003, and the start of the fishing season on May 1, 2003.