

attributable to the acquisition of four parcels within the Mullica River watershed through a partnership with New Jersey Conservation Foundation and the continued implementation of the Mullica River Conservation Initiative. The acquisition of Bear Creek Preserve (100 acres), Hanselman Preserve (57 acres), Rudolph Property (31 acres), and Lee Property (20 acres) provides additional buffer areas (mixed pitch pine-scrub oak upland, Atlantic white cedar forest) for key land and water areas (salt marsh flats, tidal wetlands).

**FOR FURTHER INFORMATION CONTACT:** Michael Migliori at (301) 563-1126 or Laurie McGilvray at (301) 563-1158 or NOAA's National Ocean Service, Estuarine Reserves Division, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910. For copies of the Jacques Cousteau Management Plan revision, visit <http://www.jcnerr.org/>.

Dated: August 3, 2009.

**David M. Kennedy,**

*Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XQ83

#### Taking and Importing of Marine Mammals

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

**ACTION:** Notice; annual affirmative finding renewals.

**SUMMARY:** The Assistant Administrator for Fisheries, NMFS (Assistant Administrator), has renewed the affirmative findings for the Government of Ecuador, the Government of El Salvador, the Government of Mexico and the Government of Spain under the Marine Mammal Protection Act (MMPA). These affirmative findings will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by Ecuadorian-flag, El Salvadorian-flag, Mexican-flag or Spanish-flag purse seine vessels or purse seine vessels operating under Ecuadorian, El Salvadorian, Mexican, or Spanish jurisdiction to be imported into the United States. These

affirmative findings were based on review of documentary evidence submitted separately by the Governments of Ecuador, El Salvador, Mexico, and Spain and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

**DATES:** The affirmative finding renewals are effective from April 1, 2009, through March 31, 2010.

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

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, 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 for Fisheries (Assistant Administrator) will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, and the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. 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. On an annual basis, NMFS reviews the affirmative finding and determine whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew 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) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted separately by the Government of Ecuador, the Government of El

Salvador, the Government of Mexico, and the Government of Spain, as well as evidence obtained from the IATTC and the Department of State and has determined that Ecuador, El Salvador, Mexico and Spain have each met the MMPA's requirements to receive annual affirmative finding renewals.

After consultation with the Department of State, the Assistant Administrator issued annual affirmative finding renewals to the Governments of Ecuador, El Salvador, Mexico, and Spain, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Ecuadorian-flag, El Salvadorian-flag, Mexican-flag or Spanish-flag purse seine vessels or purse seine vessels operating under the jurisdiction of these nations. These annual renewals of affirmative findings for Ecuador, El Salvador, Mexico and Spain will remain valid through March 31, 2010.

Dated: August 7, 2009.

**Samuel D. Rauch III,**

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

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

RIN 0710-ZA04

#### Proposed Suspension and Modification of Nationwide Permit 21

**AGENCY:** United States Army Corps of Engineers, Department of Defense,

**ACTION:** Notice; extension of comment period.

**SUMMARY:** In the July 15, 2009, issue of the *Federal Register* (74 FR 34311) the U.S. Army Corps of Engineers published a proposal to take two actions concerning Nationwide Permit 21, which authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities. The two proposed actions are to suspend NWP 21 to prohibit its use to authorize surface coal mining activities in the Appalachian region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and then to modify NWP 21 to make that prohibition permanent until NWP 21 expires on March 18, 2012. The July 15, 2009, notice stated that public comments and any requests for a public hearing must be received by August 14,