

proposed definition of "harm" as used in the Endangered Species Act (ESA). NMFS seeks public comment.

**DATES:** Comments on the draft EA must be received by July 13, 1998, if they are to be considered during preparation of a final EA.

**ADDRESSES:** Requests for a copy of the draft EA should be addressed to National Marine Fisheries Service, 1315 East West Highway, Room 13604, Silver Spring, MD 20910; telephone: 301-713-1401, or it can be obtained from the National Marine Fisheries Service Office of Protected Resources Web Page ([www.nmfs.gov/tmcintyr](http://www.nmfs.gov/tmcintyr)). Written comments and materials regarding the draft EA should be directed to the same address. Comments will not be accepted via e-mail or the world wide web.

**FOR FURTHER INFORMATION CONTACT:** Joe Blum, National Marine Fisheries Service, Office of Protected Resources, 1315 East West Highway, Silver Spring, MD, 20910.

**SUPPLEMENTARY INFORMATION:**

**Background**

This draft EA examines the environmental impact of defining the term "harm" as used in the definition of "take" in the Endangered Species Act (ESA). Section 9 of the ESA makes it illegal to "take" an endangered species of fish or wildlife. The definition of "take" in the ESA is: "to 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)). The U.S. Fish and Wildlife Service (FWS) issued a regulation defining further the term "harm" to eliminate confusion concerning its meaning (40 FR 4412, September 26, 1975; 46 FR 54748, November 4, 1981). The FWS' definition of "harm" has been upheld by the Supreme Court as a reasonable interpretation and supported by the purpose of the ESA to conserve endangered and threatened species (See *Babbitt v. Sweet Home Chapter of Communities for a Greater Oregon*, 115 S. Ct. 2407, (1995)). NMFS does not have a definition in its ESA regulations. With the recent listings of Pacific salmon and steelhead stocks, interested parties have inquired whether the NMFS interprets harm in the same manner as FWS and includes habitat destruction as "harm" to a listed species. The proposed action is to adopt a rule that clarifies NMFS' interpretation of harm that is consistent with that of FWS.

The NMFS has no definition comparable to FWS' definition of "harm" in its ESA regulations; therefore, enforcement actions must rely

solely on the statutory language of the ESA. While NMFS may prevail in court based on "harm" precedents and definitions established by the FWS, a formal interpretation by NMFS improves notice to the public of NMFS' views and provides the administrative foundation for enforcement of the ESA.

The proposed rule does not constitute a change in the existing law. It is a clarification to ensure consistency between NMFS and FWS.

**Public Comments Solicited**

NMFS intends that the final EA will take advantage of information and recommendations from all interested parties. Therefore, comments and suggestions are hereby solicited from the public, other concerned governmental agencies, the scientific community, industry, and any other person concerned with this draft EA.

Dated: June 5, 1998.

**Patricia Montantio,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**Call for Public Input Regarding Internet Access for AmeriCorps Members**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (Corporation) seeks input from the public as to how best to facilitate, without expending Federal funds, free internet access for AmeriCorps members serving in national service programs across the country.

**DATES:** The Corporation seeks public input until July 13, 1998.

**ADDRESSES:** Responses may be mailed to the Corporation at the following address: Corporation for National Service, Attn: Erik Schmidt, 1201 New York Avenue NW., Washington, DC 20525 or by sending electronic mail to: [eschmidt@cns.gov](mailto:eschmidt@cns.gov).

**FOR FURTHER INFORMATION CONTACT:** Erik Schmidt, (202) 606-5000, ext. 305. The Corporation's T.D.D. number is (202) 565-2799.

**SUPPLEMENTARY INFORMATION:** The Corporation is the Federal agency that oversees national and community service programs throughout the country. Its mission is to provide opportunities for Americans of all ages

and backgrounds to engage in service that addresses the nation's educational, public safety, environmental, and other human needs to achieve direct and demonstrable results and to encourage all Americans to engage in such service. In doing so, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for those who make a substantial commitment to service.

AmeriCorps is the national service program that engages thousands of adult Americans, age 17 and over, in community service and provides education awards in exchange for that service. As President Clinton has said, "The success of AmeriCorps shows that service can help to meet out most pressing needs, from renewing our cities to protecting our environment, to immunizing poor children, to giving them mentors and someone to look up to." In the 1998-1999 program year, the Corporation expects that more than 50,000 individuals will serve as AmeriCorps members in partnership with hundreds of local, state, and national organizations. In return for performing at least 1,700 hours of service in a year, each full-time AmeriCorps member receives a modest living allowance and earns a post-service education award of \$4,725 to repay student loans or to pay for the cost of attendance at an institution of higher education. For more information about AmeriCorps, including its three divisions AmeriCorps\*State/National, AmeriCorps\*VISTA, and AmeriCorps\*National Civilian Community Corps, visit the Corporation's home page at <http://www.nationalservice.org>.

The Corporation seeks to facilitate the provision of free internet access to AmeriCorps members during their term of service. Through this Notice, the Corporation invites comments and suggestions from internet service providers, AmeriCorps members, organizations through which AmeriCorps members serve, and other members of the public. Based on the comments and suggestions received, the Corporation anticipates publishing an invitation to internet service providers and others to provide free internet access to all AmeriCorps members during their term of service.

Dated: June 5, 1998.

**Kenneth L. Klothen,**

*General Counsel, Corporation for National and Community Service.*

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