

the required form to declare their enrollment into Category 1. Declaration into Category 1 would allow them to fish the inshore areas of the Gulf of Maine, in addition to the offshore areas. Vessel owners in Category 2 would be required to fish in the GOM offshore area or in the existing Cod Trip Limit Exemption Area. Specific management measures for these two areas have not yet been determined. The inshore area has preliminarily been described as an area extending from 43°50' N. Lat. and the Maine coast to 43°50' N. Lat., 70°00' W. Long. to 43°00' N. Lat., 70°15' W. Long. to 42°00' N. Lat., 70°15' W. Long. to 42°00' and the Massachusetts coast.

## II. Method of Collection

Vessel owners electing to declare into the GOM inshore/offshore category (category 1) would be required to select that category on a form.

## III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit (Gulf of Maine multispecies permit holders electing to fish in inshore or near shore areas).

Estimated Number of Respondents: 475.

Estimated Time Per Response: 2 minutes.

Estimated Total Annual Burden Hours: 16.

Estimated Total Annual Cost to Public: \$237.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 30, 1998.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 122898H]

#### Endangered and Threatened Species; Retention of Species on Candidate Species List Under the Endangered Species Act (ESA)

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

**ACTION:** Notice of retention of the Gulf of Maine/Bay of Fundy population of harbor porpoise on the ESA candidate species list.

**SUMMARY:** NMFS retains the Gulf of Maine/Bay of Fundy (GOM/BOF) population of harbor porpoise (*Phocoena phocoena*) on the ESA list of candidate species. Retention on the ESA candidate species list will serve to notify the public of NMFS' concern regarding this population, and it will ensure continued monitoring of the species' status.

**DATES:** Effective January 5, 1999.

**FOR FURTHER INFORMATION CONTACT:** Margot Bohan, 301/713-2322.

**SUPPLEMENTARY INFORMATION:** In a separate document published today in the **Federal Register**, NMFS withdrew its January 7, 1993, proposal to list the GOM/BOF population of harbor porpoise as threatened under the ESA. Taking into account the implementation of bycatch reduction measures in the GOM by the New England Fishery Management Council, the Harbor Porpoise Take Reduction Plan in the Gulf of Maine and Mid-Atlantic waters, pursuant to section 118 of the Marine Mammal Protection Act, and a similar harbor porpoise bycatch mitigation program that is being implemented by the Department of Fisheries and Oceans-Canada, NMFS concluded that listing the GOM/BOF population of harbor porpoise as threatened under the ESA is not warranted at this time.

NMFS will retain the GOM/BOF population of harbor porpoise on the ESA list of candidate species in order to continue to monitor the species' status. The ESA candidate species list serves to notify the public that NMFS has

concerns regarding these species/vertebrate populations that may warrant listing it as a threatened or endangered species in the future; this list may also facilitate voluntary conservation efforts.

Dated: December 30, 1998.

**Andrew A. Rosenberg,**

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

[FR Doc. 99-139 Filed 1-4-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 122898D]

#### Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the City of Seattle Habitat Conservation Plan, King County, Washington

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

**ACTION:** Notice of application and availability for public comment.

**SUMMARY:** This notice advises the public that the City of Seattle has applied to the Fish and Wildlife Service and NMFS (together, the Services) for an Incidental Take Permit (Permit) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). This application was previously noticed in the **Federal Register** on December 11, 1998, under the Department of the Interior, Fish and Wildlife Service. This additional notice is to ensure NMFS compliance with the notification requirements under section 10(c) of the Act. The proposed permit would authorize the take of the following endangered or threatened species incidental to otherwise lawful management activities in the Cedar River Municipal Watershed and within the Cedar River in King County, Washington: northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus*), bald eagle (*Haliaeetus leucocephalus*), grizzly bear (*Ursus arctos*), gray wolf (*Canis lupus*), and peregrine falcon (*Falco peregrinus*). The proposed permit also would authorize future incidental take of 77 currently unlisted fish (anadromous and resident) and wildlife species, including the chinook salmon (*Oncorhynchus tshawytscha*) and the Coastal Puget Sound distinct population segment of the bull trout (*Salvelinus confluentus*),

which are proposed for listing under the Act, should they become listed in the future. The permit would be in effect for 50 years.

The application includes: (1) the proposed Habitat Conservation Plan (Plan), which fully describes the proposed projects and mitigation, and details a strategy for minimizing and mitigating all anticipated incidental take, as required in Section 10(a)(2)(B) of the Act; and (2) the proposed Implementing Agreement. Activities covered by the requested Permit and addressed by the proposed Plan include: (1) drinking water supply operations; (2) management of land and forest resources (timber and other forest resources); (3) hydroelectric power generation; and, (4) fishery mitigation. The Services also announce the availability of an Environmental Assessment for the Permit application.

This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations. The Services are furnishing this notice in order to announce the availability of these documents and allow other agencies and the public an opportunity to review and comment upon these documents. All comments received will become part of the public record and will be available for review pursuant to section 10(c) of the Act.

**DATES:** Written comments on the permit application, Environmental Assessment, Plan, and Implementing Agreement must be received from interested parties no later than February 9, 1999.

**ADDRESSES:** Requests for documents should be made by calling the City of Seattle at (206) 684-4144. Copies are also available for viewing, or partial or complete duplication, at all King County and City of Seattle libraries, and at four University of Washington main campus libraries, including the Fisheries and Oceanography Library, Forest Resources Library, Engineering Library, and at the Federal Publications desk of the Suzzallo Library. Comments should be mailed to Seattle Public Utilities, P.O. Box 21105, Seattle, Washington 98111-3105. Comments and materials received will also be available for public inspection, by appointment, during normal business hours by calling (206) 684-4144. Requests for information on the draft Plan should be directed to Jim Erckmann, Project Manager. Requests for information on the draft Environmental Assessment and a draft Environmental Impact Statement, prepared pursuant to the State of Washington's Environmental Policy Act, should be directed to Jim Freeman, Senior Watershed Planner. Both can be

contacted at Seattle Public Utilities, 19901 Cedar Falls Road SE., North Bend, Washington, 98045 (telephone: 206/233-1512; facsimile: 206/233-1527).

**FOR FURTHER INFORMATION CONTACT:** Brian Bogaczyk, Project Biologist, Fish and Wildlife Service, 510 Desmond Drive, SE., Suite 102, Lacey, Washington, 98503-1273, (telephone: 360/753-5824; facsimile: 360/534-9331), and Matt Longenbaugh, Project Biologist, National Marine Fisheries Service, 510 Desmond Drive, SE., Suite 103, Lacey, Washington, 98503-1273 (telephone: 360/753-7761; facsimile: 360/753-9517). The Plan, Implementing Agreement, and the Environmental Assessment are also available for inspection at the above Service offices.

**SUPPLEMENTARY INFORMATION:** This application was previously noticed in the **Federal Register** on December 11, 1998 (63 FR 68469). Section 9 of the Endangered Species Act and Federal regulation prohibit the "taking" of a species listed as endangered or threatened. The term take is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. However, the Services, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22; regulations governing permits for threatened species are promulgated in 50 CFR 17.32.

#### **Background**

The Cedar River Municipal Watershed (Watershed) is located about 30 miles southeast of the City of Seattle (City), just south of the Interstate 90 corridor. The City has prepared the proposed Plan to comply with the Act and to address a variety of related natural resource issues. The Plan will cover the City's 90,546-acre Watershed and the City's water supply and hydroelectric operations on the Cedar River, which discharges into Lake Washington. The proposed Plan is a set of mitigation and conservation commitments related to ongoing water supply, hydroelectric power supply, fishery mitigation, and watershed management activities.

The draft Plan is based on a decade of studies and the results of over 4 years of analysis and negotiations with five State and Federal agencies as documented in an Agreement in Principle, dated March 14, 1997. The Agreement in Principle addresses not only issues under the Act but also

related issues under state law and issues with the U.S. Army Corps of Engineers (Corps). The Corps manages lake levels in Lake Washington, and navigational traffic between Lake Washington and Puget Sound, through operation of the Hiram Chittenden Locks (Ballard Locks) and Lake Washington Ship Canal.

Covered lands in the proposed action include the City-owned lands upon which the Permit would authorize incidental take of covered species. This includes the Watershed, totaling about 90,546 acres. The Cedar River discharges into Lake Washington at the city of Renton. City operations in the municipal watershed influence the Cedar River between the Landsburg Diversion Dam, where the City diverts water for municipal and industrial use, and Lake Washington, which is 21.8 mi in length. The City owns essentially all of the Watershed. Most of the watershed is forested, primarily with conifers.

Proposed covered activities include City operations on the Cedar River in conjunction with its water supply, hydroelectric power generation, land management activities, and fishery mitigation. Water supply and hydroelectric generation activities include management of the reservoir complex, including an overflow dike, which impounds Chester Morse Lake, and the Masonry Dam, which impounds the Masonry Pool to the west of the lake. These activities also include instream flow management for fish for 12.4 mi above and 21.8 mi downstream of the Landsburg Diversion Dam. Covered activities downstream of Landsburg are restricted specifically to the impacts of City operations and facilities on species using those waters and covered by this Plan, and does not apply to the impacts of activities by other public agencies or private parties. In general, covered activities downstream of Landsburg include mitigation, conservation, research, and monitoring activities carried out under the Plan and two related agreements, an Instream Flow Agreement and a Landsburg Mitigation Agreement.

Municipal watershed management activities include forest practices as described in the Washington State Forest Practices Act (RCW 76.09) and Forest Practices Rules and Regulations (WAC 222-08), including timber harvest, thinning, reforestation, and mechanical brush control; construction, repair, reengineering, decommissioning, and maintenance of forest roads, including use of gravel pits and other rock sources, as well as maintenance and replacement of culverts and bridges; and sale of forest products.

Fishery mitigation activities include provision of streamflows for chinook, coho (*Oncorhynchus kisutch*), and sockeye (*Oncorhynchus nerka*) salmon and steelhead trout (*Oncorhynchus mykiss*), and expansion of a pilot hatchery for sockeye salmon; construction of fish passage facilities (both upstream and downstream) for chinook and coho salmon, and steelhead and cutthroat trout (*Oncorhynchus clarki*) at Landsburg Dam; and funding salmon habitat restoration in the lower Cedar River.

Other covered watershed activities include actions to protect and restore watershed habitats, both aquatic and upland; cultural resource management and educational programs within the municipal watershed, including a public tour and field trip program and construction of educational and cultural facilities, such as the planned educational resource center at Cedar Falls; scientific research, both by City staff and outside scientists; and other activities or facilities as identified in the Plan.

The Plan includes habitat-based conservation and mitigation strategies for all species addressed in the Plan, and species-specific conservation and mitigation strategies for the 14 species of greatest concern, which include all currently listed species. The species addressed in the Plan include resident and anadromous salmonid fishes, and a variety of amphibians, birds, mammals, and invertebrates.

The Federal action of issuing an Incidental Take Permit has the potential to affect the human environment. The Services' decision of whether to issue the proposed Permit, is an action subject to review under the National Environmental Policy Act (40 CFR 1506.6). In addition to the National Environmental Policy Act requirements, the City's proposed actions are subject to review under the Washington State Environmental Policy Act. The Services' Environmental Assessment and the City's Environmental Impact Statement are combined into one document. Following public review of the proposed Plan and Environmental Assessment/Environmental Impact Statement, the Services and the City must review any comments received and respond to those comments in writing or in changes to the documents, where appropriate.

The Environmental Assessment/Environmental Impact Statement will analyze the proposed action as well as a full range of reasonable alternatives, and the associated impacts of each. The proposed action contains three components, including: (1) Watershed

Management; (2) Anadromous Fish Mitigation; and (3) Instream Flows. Alternatives have been developed through public and internal scoping for each of these three components, and are compared and analyzed in the Environmental Assessment/Environmental Impact Statement.

Watershed management alternatives include: (1) No Action (continue current harvest practices, with 58 percent of the lands in a no-commercial harvest reserve); (2) Proposed Action (including conservation strategies for habitats and wildlife, with 64 percent of the lands in a no-commercial harvest reserve); (3) Long-term Sustainable Thinning Alternative (including conservation strategies for habitats and wildlife, with 64 percent of the lands in a no-commercial harvest reserve); (4) Thinning Alternative with phased out commercial harvest over the 50-year life of the Permit (including conservation strategies for habitats and wildlife, with 68 percent of the lands initially in a no-commercial harvest reserve and increasing over the life of the Permit); and (5) No Commercial Timber Harvest Alternative (including conservation strategies for habitats and wildlife, with 100 percent of the lands in a no-commercial harvest reserve). Alternatives 3, 4, and 5 include essentially the same conservation strategies for streams, riparian areas, upland habitat, and special habitat areas, as Alternative 2, the Proposed Action.

Anadromous fish mitigation alternatives include: (1) No Action (continued operation of a pilot sockeye salmon hatchery with no guarantee of mitigation for chinook salmon, coho salmon, or steelhead trout); (2) Proposed Action (conservation strategies for chinook salmon, coho salmon, sockeye salmon, and steelhead trout, including upstream and downstream passage facilities, and habitat restoration and protection measures, with expansion of the sockeye hatchery to produce 34 million fry annually); (3) Down-sized Sockeye Hatchery Alternative with savings going towards downstream habitat restoration (with expansion of the sockeye hatchery to produce 17 million fry annually); (4) Deferred Hatchery Construction Alternative contingent on further studies; and (5) All Downstream Habitat Restoration and Protection Alternative (all funding would be used for habitat restoration and protection, and none for sockeye hatchery expansion).

Instream flow alternatives include: (1) No Action (continue current flow management practices); and (2) Proposed Action, with primary features

including guaranteed flows and supplemental flows for salmon and steelhead trout spawning and fry outmigration for sockeye salmon in the lower Cedar River; adaptive management of flows for protection of salmon and steelhead redds (egg clusters); funding for improvements at Ballard Locks for juvenile outmigration, establishment of minimum flows necessary for anadromous and resident fish in bypass reach below Masonry Dam; established downramping rates, maintain existing annual municipal water yield; public service announcements promoting water conservation for fish; Lower Cedar River monitoring study of tributary and subsurface inflows; and establishment of a multi-agency commission to advise the City with respect to managing flows for fish.

This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations, and the Services will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the Act and National Environmental Policy Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of listed species. The final permit decision will be made no sooner than 60 days from the date of this notice.

Dated: December 28, 1998.

**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

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[I.D. 123098B]

### Notice of Public Meetings Regarding the Preparation of a Supplemental Environmental Impact Statement for Potential Modification of a Habitat Conservation Plan on Lands Administered by Plum Creek Timber Company in the State of Washington

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