

Public, and acknowledging that false representations to a federal agency may result in criminal penalties under federal law.

Any business confidential information provided that is marked business confidential will be kept confidential and protected from disclosure to the full extent permitted by law. To the extent business confidential information is provided, a non-confidential submission should also be provided, in which business confidential information is summarized or, if necessary, deleted.

Dated: March 6, 2001.

**Donald L. Evans,**

*Secretary, United States Department of Commerce.*

[FR Doc. 01-7515 Filed 3-28-01; 8:45 am]

**BILLING CODE 3510-DR-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032001A]

#### Regulations Governing the Taking and Importing of Marine Mammals; Threatened and Endangered Wildlife; Gulf of Maine/Bay of Fundy Stock of Harbor Porpoise

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

**ACTION:** Notice of intent to conduct a status review and request for information.

**SUMMARY:** The National Marine Fisheries Service (NMFS) is initiating a status review of the Gulf of Maine/Bay of Fundy stock of harbor porpoise (*Phocoena phocoena*). NMFS solicits information to facilitate its review of this stock, which is currently classified as a candidate species under the Endangered Species Act (ESA).

**DATES:** Comments and information must be received by May 1, 2001.

**ADDRESSES:** Information, comments, or questions concerning the status review of the Gulf of Maine/Bay of Fundy stock of harbor porpoise should be submitted to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226.

**FOR FURTHER INFORMATION CONTACT:** Emily Hanson, Office of Protected Resources, (301) 713-2322, ext. 101, or Kim Thounhurst, Northeast Region, (978) 281-9138.

**SUPPLEMENTARY INFORMATION:** The ESA requires determinations of whether species of wildlife and plants are endangered or threatened based on the best available scientific and commercial data. With some exceptions that are not applicable here, NMFS is responsible under the ESA for species that reside all or the major portion of their lifetime in marine or estuarine waters. The ESA and regulations at 50 CFR 424.02 define "species" as any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any vertebrate species that interbreeds when mature. The Gulf of Maine/Bay of Fundy stock of Harbor Porpoise is on the ESA list of candidate species in order to continue to monitor the species' status (64 FR 480, January 5, 1999; 64 FR 33466, June 23, 1999). NMFS is conducting a review of the status of this stock to determine, among other things, if it warrants listing as endangered or threatened under the ESA.

In 1993, NMFS proposed listing the Gulf of Maine/Bay of Fundy stock of harbor porpoise as threatened under the ESA (58 FR 3108, January 7, 1993). That proposed rule reviewed existing information regarding the status of the stock and identified mortality and serious injury incidental to commercial fishing operations as the only significant factor that may be threatening the stock. On January 5, 1999, NMFS withdrew that proposed rule (64 FR 465). The notice of withdrawal discussed information that had become available since the proposed rule and concluded that a Take Reduction Plan, which was prepared in accordance with section 118 of the MMPA, contained an adequate regulatory mechanism to reduce mortality and serious injury of harbor porpoise incidental to commercial fishing operations. Because no other factors were identified that would have a significant adverse impact on the stock, NMFS determined that listing the Gulf of Maine/Bay of Fundy stock of harbor porpoise was not warranted at that time. NMFS maintained the stock as a candidate species under the ESA (64 FR 480, January 5, 1999; 64 FR 334666, June 23, 1999).

The status review will give consideration to the current status of the Gulf of Maine/Bay of Fundy stock of harbor porpoise, including life history, habitat, distribution, abundance, and trends. Additionally, the review will consider present or threatened destruction, modification, or curtailment of habitat or range; over-utilization for commercial, recreational, scientific, or educational purposes (e.g., incidental and intentional take, research permits, stranding); disease and

predation; other natural or anthropogenic factors affecting the stock; evaluation of the effectiveness of the Harbor Porpoise Take Reduction Plan; and, the need to list harbor porpoise under the ESA.

This document is not a proposal to list the Gulf of Maine/Bay of Fundy stock of harbor porpoise as threatened or endangered. This document is a request for information to facilitate a review of the status of the species to determine, among other things, whether the species should be listed as threatened or endangered. NMFS will make the status review and any proposal that results from the review available for public comment.

#### Biological Information Solicited

To ensure that the review is comprehensive and based on the best available data, NMFS is soliciting information and comments from any interested person concerning the status of the Gulf of Maine/Bay of Fundy stock of harbor porpoise. NMFS is primarily interested in new information that has become available since NMFS last determined that listing of this stock was not warranted (64 FR 465, January 5, 1999). It is requested that data, information, and comments be accompanied by (1) supporting documentation, such as maps, logbooks, bibliographic reference, personal notes, or reprints of pertinent publications and (2) the name of the person submitting the data, his/her address, and any association, institution, or business that the person represents.

Dated: March 23, 2001.

**Wanda Cain,**

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

[FR Doc. 01-7799 Filed 3-28-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032201E]

#### Notice of Decision and Availability of Decision Documents on the Issuance of a Permit for Incidental Takes of Threatened and Endangered Species (1248)

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

**ACTION:** Notice of decision and availability of decision documents on

the issuance of a permit (1248) for incidental takes of endangered species.

**SUMMARY:** This notice advises the public that a decision on the application for an incidental take permit by the State of Washington Department of Fish and Wildlife (WDFW), pursuant to the Endangered Species Act of 1973 (ESA), has been made and that the decision documents are available upon request.

**DATES:** Permit 1248 was issued on January 8, 2001, subject to certain conditions set forth therein, and expires on December 31, 2004.

**ADDRESSES:** Requests for copies of the decision documents or any of the other associated documents should be directed to the Hatcheries and Inland Fisheries Branch, Sustainable Fisheries Division, F/NWO3, NMFS, 525 NE Oregon Street, Suite 510, Portland, OR 97232-2737 (503-231-2178).

**FOR FURTHER INFORMATION CONTACT:** FOR FURTHER INFORMATION CONTACT: Lance Kruzic, Portland, OR, at phone number: (503) 231-2178, fax: (503) 872-2737, or e-mail: Lance.Kruzic@noaa.gov

**SUPPLEMENTARY INFORMATION:** The following species and evolutionary significant units (ESU's) are covered in the permit:

Chinook salmon (*Oncorhynchus tshawytscha*): endangered Upper Columbia River spring run.

Steelhead (*O. mykiss*): endangered Upper Columbia River.

### Decision

Notice was published on April 19, 2000 (65 FR 20952) that WDFW applied for a section 10(a)(1)(B) permit for annual incidental takes of ESA-listed anadromous fish associated with otherwise lawful recreational fisheries on non-listed species in the Upper Columbia River Basin above Priest Rapids Dam in the State of Washington in the Pacific Northwest. WDFW submitted a Conservation Plan with its permit application that describes measures designed to monitor, minimize, and mitigate the incidental taking of ESA-listed anadromous salmonids associated with the sport-fisheries, some or all of which are expected to occur annually for the duration of the permit.

NMFS' decision is to adopt the preferred alternative in the Conservation Plan together with the preferred alternative in the Environmental Assessment that was completed for this permit action and issue a permit with conditions authorizing incidental takes of the ESA-listed anadromous fish species. This decision is based on a thorough review of the alternatives and

their environmental consequences. NMFS' conditions will ensure that the incidental takes of ESA-listed anadromous fish will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. By adopting the preferred alternative in the Conservation Plan, with the Conservation Plan's stated assurances that WDFW's mitigation program will be implemented, all practicable means to avoid or minimize harm have been adopted.

### Rationale for Decision

The decision to issue the permit was made because the Conservation Plan proposed by WDFW meets the statutory criteria for issuance of an incidental take permit under section 10 of the ESA. In issuing the permit, NMFS determined that WDFW's Conservation Plan provides adequate mitigation measures to avoid, minimize, and/or compensate for the anticipated takes of ESA-listed anadromous fish.

The permit was granted only after NMFS determined that the permit was applied for in good faith, that all permit issuance criteria were met, including the requirement that granting the permit would not jeopardize the continued existence of the species, and that the permit is consistent with the purposes and policies set forth in the Endangered Species Act of 1973, as amended.

Dated: March 23, 2001.

### Phil Williams,

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

[FR Doc. 01-7797 Filed 3-28-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Draft Guidance for Coastal Impact Assistance Program

**AGENCY:** National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

**ACTION:** Notice of availability of draft guidance for Coastal Impact Assistance Program

**SUMMARY:** Notice is hereby given of the availability of Draft Guidance for the Coastal Impact Assistance Program (CIAP). The fiscal year 2001 appropriations for the Departments of Commerce, Justice and State created the CIAP.

The CIAP will direct approximately \$145 million to the outer continental

shelf oil and gas producing states of Alaska, Alabama, California, Florida, Louisiana, Mississippi and Texas and the approximately 150 coastal political subdivisions within those states to help mitigate the impacts of OCS activities and protect coastal resources. The CIAP requires these states to submit Coastal Impact Assistance Plans detailing how the funds will be expended. This guidance provides the information necessary for eligible states and coastal political subdivisions to develop CIAP plans and submit them to the National Oceanic and Atmospheric

Administration (NOAA) by July 1, 2001.

Copies of the Draft Guidance for the Coastal Impact Assistance Program can be found on the NOAA website at <http://www.ocrm.nos.noaa.gov/cpd/welcome/html> or may be obtained upon request from: Joseph P. Flanagan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. 301-713-3155, extension 201, e-mail [joseph.flanagan@noaa.gov](mailto:joseph.flanagan@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** John King, Acting Chief, Coastal Program Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. 301-713-3155, extension 188, e-mail [john.king@noaa.gov](mailto:john.king@noaa.gov).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: March 22, 2001.

### Margaret A. Davidson,

*Acting Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce.*

[FR Doc. 01-7725 Filed 3-28-01; 8:45 am]

**BILLING CODE 3510-08-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032201A]

#### New England Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Groundfish Oversight Committee and Advisory Panel and Habitat Committee