

entities and on any possible alternatives that could minimize any such impact.

*6. Federal Rules That May Duplicate, Overlap, or Conflict With Proposed Rules*

None.

**Deadlines and Instructions for Filing Comments**

Under §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on the Further Notice of Proposed Rule Making on or before October 11, 2001. Reply comments are due October 25, 2001. Interested parties may file comments by using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>8</sup> The Commission will consider all relevant and timely comments prior to taking final action in this proceeding. To file formally, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If interested parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Interested parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties not filing via ECFS are also encouraged to file a copy of all pleadings on a 3.5-inch diskette in Word 97 format.

**Ordering Clauses**

Accordingly, It Is Ordered that pursuant to the authority contained in sections 1, 4(i), 4(j), 7(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y), and 308 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 303(y), 308, this *Notice of Proposed Rulemaking* is adopted.

*It Is Further Ordered* that the Commission's Consumer Information Bureau, Reference Information Center, Shall Send a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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<sup>8</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, Memorandum Opinion and Order, 13 FCC Rcd 21,517 (1998); *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11,322 (1998).

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 223**

[I.D. 050101B]

**Endangered and Threatened Species; Notice of Public Hearings on Proposed Rule Governing Take of Four Threatened Evolutionarily Significant Units (ESUs) of West Coast Salmonids: California Central Valley Spring-run chinook; California Coastal chinook; Northern California steelhead; Central California Coast coho**

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

**ACTION:** Request for comment and announcement of public hearings.

**SUMMARY:** On August 17, 2001, NMFS proposed an Endangered Species Act (ESA) 4(d) protective rule for four threatened salmonid ESUs that occur in California. The proposed 4(d) rule would apply the take prohibitions in section 9(a)(1) of the ESA in most circumstances to California Central Valley spring chinook, California Coastal chinook, and Northern California steelhead which currently have no 4(d) protective regulation in place. However, for these three threatened ESUs, NMFS is proposing 10 categories of activities for which the take prohibitions would not apply. For the threatened Central California Coast coho salmon ESU, NMFS is proposing to amend the existing 4(d) rule to establish the same 10 limitations on the take prohibitions that are being proposed for the other threatened ESUs covered by this rule.

This **Federal Register** document announces three public hearings that NMFS has scheduled to provide the public with opportunities to comment on the proposed protective rule and to provide information to the public about the rule.

**DATES:** Comments on the proposed 4(d) rule must be received on or before October 1, 2001. Public hearings on the proposed ESA 4(d) rule will be held as follows: (1) September 13, 2001, 6-9 p.m., Chico, CA; (2) September 18, 2001, 6-9 p.m., Eureka, CA; and (3) September 20, 2001, 6-9 p.m., Ukiah, CA.

**ADDRESSES:** Comments on the proposed 4(d) rule should be sent to the Assistant Regional Administrator, Protected Resources Division, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach,

CA 90802-4213. Comments will not be accepted via e-mail or Internet

The hearings will be held at the following locations:

(1) Chico, CA—Chico Masonic Family Center' 1110 West East Avenue, Chico, CA 95926;

(2) Eureka, CA—Eureka Inn, 518 7th Street, Eureka, CA, 95501; and

(3) Ukiah, CA—Ukiah Valley Conference Center, 200 South School Street, Ukiah, CA 95482.

**FOR FURTHER INFORMATION CONTACT:** Craig Wingert at 562-980-4021; Miles Croom at 707-575-6068; Diane Windham at 916-930-3601, Greg Bryant at 707-825-5162, or Chris Mobley at 301-713-1401. Copies of the **Federal Register** documents cited herein and additional salmon-related materials are available via the Internet at <http://swr.nmfs.noaa.gov> or <http://nwr.nmfs.noaa.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 16, 1999, NMFS published a final rule listing the California Central Valley spring-run chinook and California Coastal chinook ESUs as threatened species (64 FR 50394). In a final rule published on June 7, 2000, NMFS also listed the Northern California steelhead ESU as a threatened species (65 FR 36074). These final rules describe the background for the listing actions and provide a summary of NMFS' conclusions regarding the status of the three ESUs. No protective regulations, pursuant to section 4(d) of the ESA, have been promulgated for these three ESUs. On October 31, 1996, NMFS listed the Central California Coast coho salmon ESU as a threatened species and simultaneously promulgated a 4(d) which imposed the section 9(a)(1) take prohibitions on this ESU (61 FR 56138). This 4(d) rule, however, does not include any of the take limitations which NMFS has incorporated into subsequent 4(d) rules for threatened salmonid ESUs (65 FR 42422).

On August 17, 2001, NMFS proposed an ESA 4(d) protective rule for these four threatened salmonid ESUs (66 FR 43150). The proposed 4(d) rule would apply the take prohibitions in section 9(a)(1) of the ESA, in most circumstances, to the California Central Valley spring chinook, California Coastal chinook, and Northern California steelhead ESUs. In addition to applying the section 9 take prohibitions, the proposed 4(d) rule would establish 10 categories of activities for which the take prohibitions would not apply for each of

these three ESUs. NMFS believes these activities, if conducted as described in the proposed rule, would contribute to the conservation of the threatened salmonid ESUs. For the threatened Central California Coast coho salmon ESU, NMFS is proposing to amend the existing 4(d) rule which applies the section 9 take prohibitions to this ESU in order to establish the same 10 limitations on the take prohibitions that are being proposed for the other threatened ESUs covered by the rule.

#### **Public Hearings**

Public hearings on the proposed ESA 4(d) rule provide the opportunity for the public to give comments and to permit an exchange of information and opinion

among interested parties. NMFS encourages public involvement in such ESA matters and has decided to schedule hearings on these proposals prior to being requested to do so.

NMFS is soliciting specific information, comments, data, and/or recommendations on any aspect of the proposed 4(d) rule from all interested parties. In particular, NMFS is requesting information or data as described in the **Federal Register** documents announcing the proposed 4(d) rule. NMFS will consider all information, comments, and recommendations received before reaching a final decision.

The public will have the opportunity to provide oral and written testimony at

the public hearings. Written comments on the proposals may also be submitted (see **DATES** and **ADDRESSES**).

#### **Special Accommodations**

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other aids should be directed to Craig Wingert (see **ADDRESSES**) by 7 days prior to each hearing date.

Dated: September 10, 2001.

**Phil Williams,**

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

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