

principal role of the advisory panels is to assist the Council in addressing issues related to Essential Fish Habitat (EFH) and other habitat and ecological relationships supporting the marine resources of the Gulf of Mexico. Advisory panels serve as a first alert system to call to the Council's attention proposed projects being developed and other activities which may adversely impact the Gulf marine fisheries and their supporting habitat. The APs may also provide advice to the Council on EFH, as well as policies and procedures for addressing environmental affairs.

Copies of the agenda can be obtained by calling 813-228-2815.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by November 20, 2001.

Dated: November 2, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-28238 Filed 11-8-01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110501F]

Mid-Atlantic Fishery Management Council; Meetings

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

ACTION: Notice of public meeting(s).

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder Monitoring Committee, Scup Monitoring Committee, and Black Sea Bass Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Wednesday, November 28, 2001, beginning at 10 a.m. with the Summer Flounder Monitoring Committee, followed by the Scup Monitoring Committee and the Black Sea Bass Monitoring Committee.

ADDRESSES: The meeting will be held at the Holiday Inn BWI, 890 Elkridge Landing Road, Baltimore, MD; telephone: 410-859-8400.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New

Street, Dover, DE 19904; telephone: 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to recommend the 2002 recreational management measures for summer flounder, scup, and black sea bass.

Although non-emergency issues not contained in this agenda may come before the Committee for discussion, those issues may not be subject of formal Committee action during this meeting. Committee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 205 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Committee's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: November 6, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102301A]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of final determination and discussion of underlying biological analysis.

SUMMARY: NMFS has evaluated the Tribal Resource Management Plan (Tribal Plan) submitted by the Nez Perce Tribe pursuant to the protective regulations promulgated for Snake River spring/summer chinook salmon under the Endangered Species Act (ESA). The

Tribal Plan specifies the management of tribal and recreational fisheries (operated by the State of Oregon) in the Imnaha River, Oregon, that potentially affect listed Snake River spring/summer chinook salmon. This document serves to notify the public that NMFS, by delegated authority from the Secretary of Commerce, has determined that implementing and enforcing the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the Snake River spring/summer chinook salmon Evolutionarily Significant Unit (ESU). This document also includes a summary of the underlying biological analysis used in the determination (Evaluation).

DATES: The final determination on the take limit was made on August 31, 2001.

ADDRESSES: Hatcheries and Inland Fisheries Branch, Sustainable Fisheries Division, National Marine Fisheries Service, 525 NE Oregon Street, Suite 510, Portland, OR 97232-2737.

FOR FURTHER INFORMATION CONTACT: Herbert Pollard at: (208) 378-5614, or e-mail: Herbert.Pollard@noaa.gov regarding the Tribal Plan.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) ESU.

Electronic Access

The final determination is available on the Internet at <http://www.nwr.noaa.gov/>.

Background

The Nez Perce Tribe developed a Tribal Plan specifying the management of tribal ceremonial and subsistence fisheries and non-tribal recreational fisheries in the Imnaha River basin. The Tribal Plan includes recreational fisheries specified by the Oregon Department of Fish and Wildlife, acting as an agent of the Nez Perce Tribe, that take place in the same waters and the same time frame as the tribal ceremonial and subsistence fisheries. The fisheries are intended to provide harvest opportunity for tribal and non-Indian fishers on spring chinook salmon returning to the Imnaha River in year 2001. The Tribal Plan also includes implementation, evaluation, enforcement, and reporting procedures designed to ensure the fisheries are consistent with continuing conservation and restoration objectives. The Tribal Plan describes fishery activities proposed to occur only in year 2001.

On May 16, 2001, at 66 FR 27069, NMFS published a notice of availability for public review and comment on its evaluation of how the Tribal Plan

addressed the standards of 50 CFR 223.209 (65 FR 42481, July 10, 2000), the ESA Tribal Plan Limit.

As required by § 223.209, NMFS must determine whether the Tribal Plan would appreciably reduce the likelihood of survival and recovery of the Snake River spring/summer chinook salmon ESU, and must seek public comment on its pending determination.

Discussion of the Biological Analysis Underlying the Determination

The Tribal Plan describes fishery management activities within the context of broader artificial propagation activities in the Imnaha River. The Nez Perce Tribe and the State of Oregon have co-manager responsibilities for spring chinook salmon within the Imnaha River sub-basin and manage this salmon population under cooperative agreements. The Tribe and state are responsible for managing fisheries and conservation-related artificial propagation programs that operate in the watershed. The objective of the Tribal Plan is to harvest spring chinook in a manner consistent with the overall objectives for chinook salmon in this watershed.

Impact levels to the listed spring chinook populations in the ESU are specified in the Tribal Plan. Analysis of the predicted return of naturally and hatchery-produced spring chinook salmon to the Imnaha River basin in year 2001 and the proposed harvest levels indicates that all hatchery brood stock and supplemental spawning needs will be met. Natural spawning escapement is projected to be approximately 133 percent of the previously highest count, after the proposed fisheries. The harvest proposal is based on a 10-percent impact on a total return that has been estimated at 6,700 fish. Included in the actions proposed by the Tribal Plan are tribal and state fisheries which would harvest 670 adult and jack chinook salmon. The Evaluation concludes that the proposed harvest will not interfere with brood stock collection goals and supplemental releases of fish for natural spawning while still allowing a projected return of over 3,000 adult naturally produced spring chinook. NMFS determined that the fishery management activities included in the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the ESU in the wild based on the current status of this component population. A comprehensive review of the Tribal Plan to evaluate whether the fisheries and listed spring chinook populations are performing as expected will be done at the end of the proposed 2001 season.

Summary of Comments Received in Response to the Proposed Evaluation and Recommendation Document

NMFS published notification of its draft evaluation and pending determination on the Tribal Plan for public review and comment on May 16, 2001 (66 FR 27069). The public comment period closed on May 29, 2001. NMFS received no comments concerning this document.

Based on its Evaluation and the fact that no public comments were received, NMFS issued its final determination on the Tribal Plan on August 31, 2001.

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as it deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal Plan Limit at 50 CFR 223.209 states that the ESA section 9 take prohibitions will not apply to any activity undertaken by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent in compliance with a Tribal Plan determined by NMFS to not appreciably reduce the likelihood of survival and recovery of the listed salmonids.

Dated: November 6, 2001.

Margaret Lorenz,

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

[FR Doc. 01-28239 Filed 11-8-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 103001A]

Endangered Species; Permit 1046 and 1067

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce

ACTION: Issuance of modification 1 to permit 1046 and modification 3 to permit 1067.

SUMMARY: Notice is given that the National Marine Fisheries Service (NMFS) has issued modification 1 to permit 1046 to the National Park Service (NPS) and modification 3 to permit 1067 to the California Department of Fish and Game (CDFG). Both permit modifications authorize takes of Endangered Species Act-listed anadromous fish species for the purpose of rescue, subject to certain conditions set forth therein.

ADDRESSES: The applications and related documents are available for review in the following office, by appointment:

For permits 1046 and 1067: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404-6528

FOR FURTHER INFORMATION CONTACT: For permits 1046 and 1067: Daniel Logan, Protected Resources Division, NMFS, Santa Rosa, California, (707) 575-6053.

SUPPLEMENTARY INFORMATION:

Species Covered in this Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice: Southern Oregon/Northern California Coasts (SONCC) coho salmon (*Oncorhynchus kisutch*) and Central California Coast (CCC) coho salmon.

Issuance of these permit modifications, as required by the ESA, was based on a finding that such modifications were: (1) applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permit; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. These modifications were issued in accordance with, and are subject to, 50 CFR part 222, the NMFS regulations governing listed species permits.

Modifications to Permits Issued

The NMFS has authorized the NPS to rescue juvenile coho salmon stranded in drying pools in streams in portions of the CCC coho salmon ESU. Also, NMFS has authorized the CDFG to rescue juvenile coho salmon stranded in drying pools in streams throughout the CCC and SONCC coho salmon ESU's. Annual rainfall totals for the 2001 water year for coastal northern California is 58% of normal. The reduced rainfall has led to reduced stream flows with pools having become disconnected from the streams.

Biologists from CDFG, NPS, and other entities have observed coho salmon in residual pools, and many pools have dried completely.

NMFS believes that the modifications to permits 1046 and 1067 authorizing rescues of stranded SONCC or CCC coho salmon is an appropriate emergency situation, consistent with 50 CFR 222.303(g). Therefore a public comment period was not commenced on this action. The issuance of the modifications to permits 1046 and 1067 allows NMFS to utilize its authority to further the purpose of the ESA; that is to lead to the recovery of listed species. Without intervention, thousands of juvenile CCC coho salmon will die.