

The PPG would be primarily responsible for implementing the project. As noted above, the PPG's liability under the terms of the Consent Judgment is limited to \$50,000. The available settlement funds would not be sufficient to address all of the ecological and anthropogenic challenges facing the proposed restoration area. Therefore, the Trustees, the PPG, and the Town of North Hempstead are working cooperatively with each other, and various nonprofit groups, to provide for the funding and implementation of additional projects in the same lagoon which will be conducted with, or complementary to, the North Hempstead Bar Beach Lagoon Project. The PPG has volunteered to pay for the restoration design for the North Hempstead Bar Beach Lagoon Project, in addition to their original \$50,000 liability. The Town of North Hempstead has agreed to provide additional funding, goods, and services valued at approximately \$59,896. The Town of North Hempstead received a NOAA/NMFS Community Outreach Grant of matching funds to partner with the Trustees and the PPG on the project. The Long Island Wetland Restoration Initiative Group and/or Ducks Unlimited may also contribute to the project or implement complementary projects. This synergy of projects will confer a greater ecological benefit to the natural resources and to the public in a highly cost-efficient manner.

Under the terms of the Consent Judgment entered into in 1992, the PPG also paid \$50,000 to the Federal Trustees to compensate for "past injury to, destruction of, or loss of, natural resources," for the said purpose of "restoring, replacing or acquiring the equivalent of the affected natural resources" at an off-Site location. The Trustees now propose to use all or part of this \$50,000 which was set aside for off-Site, compensatory restoration to supplement the budget for the preferred restoration alternative, the North Hempstead Bar Beach Lagoon Project.

The Trustees invite the public to comment on this Revised Draft RP/EA. All comments received on the Revised Draft RP/EA will be considered. The Trustees will respond to any comments received either through revision of this Revised Draft RP/EA, incorporation into the Final Restoration Plan, or by letter to the commenter once the comment period has ended. The Final Restoration Plan will then be published.

This notice does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

Authority: 42 U.S.C. 4321 *et seq.* and 42 U.S.C. 9601 *et seq.*

Dated: July 31, 2002.

Jamison S. Hawkins,
Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072602A]

Harbor Porpoise Bycatch Estimates for 2001

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

ACTION: Notice of availability.

SUMMARY: NMFS announces the availability of harbor porpoise bycatch estimates for January through December, 2001.

ADDRESSES: Send information requests to Protected Resources Division, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298 or to Marine Mammal Conservation Division, NMFS, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Kimberly Thounhurst, Northeast Region, phone: (978) 281-9138, e-mail: Kimberly.Thounhurst@noaa.gov.

SUPPLEMENTARY INFORMATION: In December of 1998, NMFS implemented a plan to reduce the incidental mortality and serious injury of the Gulf of Maine/Bay of Fundy (GOM/BOF) harbor porpoise stock in the Northeast sink gillnet fishery and Mid-Atlantic coastal gillnet fishery to below the Potential Biological Removal (PBR) level for that stock pursuant to the Marine Mammal Protection Act. The Harbor Porpoise Take Reduction Plan contains a combination of management measures including fishery closures and gear modifications. These measures are described in the December 2, 1998, final rule (63 FR 66464) and December 23, 1998, correction notice (63 FR 71041).

The most current estimate of incidental take of harbor porpoise for 2001 by fishery is available. This information is provided pursuant to a requirement of the May 12, 2000, Settlement Agreement in *Center for Marine Conservation et al. v. Daley et al.* (Civ. No. 1:98CV02029 EGS). The incidental take of GOM/BOF harbor porpoise in U.S. waters during 2001 is

estimated to be 80 animals (Coefficient of Variation (CV)=0.71; 95-percent Confidence Interval (CI)=6-204). This estimate is comprised of 51 animals (64-percent; CV=0.97, 95-percent CI=2-166) extrapolated from takes observed during random sampling of the Northeast sink gillnet fishery, 26 animals (32-percent; CV=0.95, 95-percent CI=1-83) extrapolated from takes observed during random sampling of the Mid-Atlantic coastal gillnet fishery, and 3 animals (4-percent) represented in unextrapolated opportunistic data obtained from stranded animals displaying evidence of fishery interactions. An estimate of incidental take of GOM/BOF harbor porpoise in Canadian waters during 2001 is not available at this time.

For 2000, the estimated annual incidental take of harbor porpoise in U.S. waters was 529 animals (CV=0.36, 95-percent CI=267-1049). This estimate is comprised of 507 animals (CV=0.37, 95-percent CI=169-924) from the Northeast sink gillnet fishery, 21 animals (CV=0.76, 95-percent CI=1-53) from the Mid-Atlantic coastal gillnet fishery, and 1 animal from an unknown Mid-Atlantic fishery.

For 1999, the estimated annual incidental take of harbor porpoise in U.S. waters was 323 animals (CV=0.25, 95-percent CI=211-554), comprised of 270 animals (CV=0.28, 95-percent CI=78-364) from the Northeast sink gillnet fishery and 53 animals (CV=0.49, 95-percent CI=3-98) from the Mid-Atlantic coastal gillnet fishery.

1999, 2000, and 2001 represent the years since implementation of the Harbor Porpoise Take Reduction Plan and fishery management measures intended to reduce harbor porpoise bycatch. From 1994 through 1998, the mean annual mortality of harbor porpoise was 1,521 animals (CV=0.10), comprised of 1163 animals (CV=0.11) from the Northeast sink gillnet fishery and 358 animals (CV=0.20) from the Mid-Atlantic coastal gillnet fishery.

Further detail on the 2001 GOM/BOF harbor porpoise bycatch analysis is available from NMFS (see **ADDRESSES** or **FOR FURTHER INFORMATION CONTACT**).

Dated: August 1, 2002.

Wanda L. Cain,

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

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