

composition of national interests, expertise and geographic representation, the Administration has decided to reinstate a request for additional nominations in the hopes of receiving a more diverse selection of qualified candidates to fill the remaining two vacancies in time for the Committee's next meeting in January 2005. The Department of Commerce is seeking up to two highly qualified individuals knowledgeable about fisheries and living marine resources to serve on the Committee.

**DATES:** Nominations must be postmarked on or before November 30, 2004.

**ADDRESSES:** Nominations should be sent to Laurel Bryant, Executive Director, MAFAC, Office of Constituent Services, NMFS, 1315 East-West Highway #9508, Silver Spring, Maryland 20910.

**FOR FURTHER INFORMATION CONTACT:** Laurel Bryant, Executive Director; (301) 713-2379 x171. E-mail: [Laurel.Bryant@noaa.gov](mailto:Laurel.Bryant@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The establishment of MAFAC was approved by the Secretary on December 28, 1970, and initially chartered under the Federal Advisory Committee Act, 5, U.S.C. App.2, on February 17, 1971. The Committee meets twice a year with supplementary subcommittee meetings as determined necessary by the Secretary. Individuals serve for a term of three years for no more than two consecutive terms if re-appointed. No less than 15 and no more than 21 individuals may serve on the Committee. Membership is comprised of highly qualified individuals representing commercial and recreational fisheries interests, environmental organizations, academic institutions, governmental, tribal and consumer groups from a balance of geographical regions, including the Hawaiian and the Pacific Islands, and the U.S. Virgin Islands. Nominations are encouraged from all interested parties involved with or representing interests affected by Agency actions in managing living marine resources. Nominees should possess demonstrable expertise in a field related to the management of living marine resources and be able to fulfill the time commitments required for two meetings annually.

A MAFAC member cannot be a Federal agency employee or a member of a Regional Fishery Management Council. Selected candidates must have security checks and complete financial disclosure forms. Membership is voluntary, and except for reimbursable travel and related expenses, service is without pay.

Each submission should include the submitting person's or organization's name and affiliation, a cover letter describing the nominee's qualifications and interest in serving on the Committee, a curriculum vitae or resume of nominee, and no more than three supporting letters describing the nominee's qualifications and interest in serving on the Committee. Self-nominations are acceptable. The following contact information should accompany each nominee's submission: name, address, phone number, fax number, and e-mail address if available.

Nominations should be sent to (see **ADDRESSES**) and nominations must be received by (see **DATES**). The full text of the Committee Charter and its current membership can be viewed at the Agency's web page at [www.nmfs.noaa.gov/mafac.htm](http://www.nmfs.noaa.gov/mafac.htm).

Dated: November 9, 2004.

**Alan D. Risenhoover,**  
*Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 102904C]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Receipt of applications to renew and modify permit 1166 and request for comment.

**SUMMARY:** Notice is hereby given that NMFS has received an application to renew a permit for scientific research from A.A. Rich and Associates (AAR) in San Anselmo, California (1166). The permit would affect federally endangered Sacramento River winter-run Chinook salmon and Southern California steelhead, and threatened Central Valley steelhead, Central California Coast steelhead, and Central California Coast coho salmon. This document serves to notify the public of the availability of the permit applications for review and comment.

**DATES:** Written comments on the permit applications must be received no later than 5 p.m. Pacific Standard Time on December 15, 2004.

**ADDRESSES:** E-mailed comments on the permit applications must be sent to

[FRNpermits.SR@noaa.gov](mailto:FRNpermits.SR@noaa.gov). The applications and related documents are available for review by appointment, for permit 1166: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 315, Santa Rosa, CA 95404 (ph: 707-575-6097, fax: 707-5783-435).

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Jahn at phone number 707-575-6097, or e-mail: [Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov)

#### SUPPLEMENTARY INFORMATION:

##### Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531 1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

##### Species Covered in This Notice

This notice is relevant to federally endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and Southern California steelhead (*O. mykiss*), threatened Central Valley steelhead (*O. mykiss*), Central California Coast steelhead (*O. mykiss*), and Central California Coast coho salmon (*O. kisutch*). Application Received

AAR requests to renew and modify a 5-year permit (1166) for take of juvenile Sacramento River winter-run Chinook salmon and Central Valley steelhead to conduct pre-project fish surveys on the San Joaquin River and Old River in California. AAR requests authorization for an estimated annual take of 30 juvenile Sacramento River winter-run Chinook salmon and 80 juvenile Central Valley steelhead, with no more than 5 percent unintentional mortality to result

from capture by beach seine, scale samples, and release of fish.

AAR also requests take of juvenile Central California Coast steelhead and juvenile Central California Coast coho salmon to conduct pre- and post-project fish surveys, relocation activities, and fish monitoring activities in various streams in Marin, Sonoma and Mendocino counties. AAR requests authorization for an estimated annual take of 450 juvenile Central California Coast steelhead, and 50 juvenile Central California Coast coho salmon, with no more than 5 percent unintentional mortality to result from capture (dip net, seine, electrofishing) and release of fish.

In addition, AAR requests take of juvenile Southern California steelhead to conduct fish monitoring activities in Hilton Creek, tributary to the Santa Ynez River in Santa Barbara County. AAR requests authorization for an estimated annual take of 2 juvenile Southern California Coast steelhead with no more than 5 percent unintentional mortality to result from capture (dip net, seine, electrofishing) and release of fish.

Dated: November 9, 2004.

**Phil Williams,**

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

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**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 052104F]

**Endangered and Threatened Species: Take of Threatened West Coast Salmonids**

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

**ACTION:** Notice of Availability of Draft Environmental Assessment (EA) and Request for Comments.

**SUMMARY:** Notice is hereby given of the availability of a draft EA for NMFS' June 2004 proposed amendments to the Endangered Species Act (ESA) protective regulations for West Coast threatened salmon and steelhead (*Oncorhynchus* spp.) The ESA protective regulations provide for "limits" on ESA prohibitions for specified categories of activities determined to contribute to conserving listed salmonids. The draft EA analyzes the impacts of: (1) revising and

simplifying existing protective regulations so that all threatened West Coast salmon and steelhead are subject to the same limits, and (2) revising the current protective regulations so that the section 9 take prohibitions do not apply to adipose-fin-clipped hatchery fish and resident *O. mykiss* (rainbow trout). NMFS is furnishing this notification to allow other agencies and the public an opportunity to review and comment on the draft EA. All comments received will become part of the public record and will be available for review.

**DATES:** All comments on the draft EA must be received no later than 5 p.m. Pacific Standard Time on December 15, 2004.

**ADDRESSES:** Copies of the draft EA are available on the Internet at <http://www.nwr.noaa.gov/1salmon/salmesa/draft4dEA.html>, or upon request (see **FOR FURTHER INFORMATION CONTACT**).

You may submit comments on the draft EA by any of the following methods:

E-mail: The mailbox address for submitting e-mail comments on the draft EA is [salmon.draft4dEA@nwr.noaa.gov](mailto:salmon.draft4dEA@nwr.noaa.gov). Please include in the subject line of the e-mail comment the document identifier "Draft 4(d) EA"

Mail: Submit written comments and information to Chief, NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 500, Portland, Oregon, 97232-2737. Please identify the comment as regarding the "Draft 4(d) EA." You may hand-deliver written comments to our office at the street address below. Business hours are 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

Hand Delivery/Courier: NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 210, Portland, Oregon, 97232-2737. Business hours are noted above.

Fax: 503-230-5435. Please identify the fax comment as regarding the "Draft 4(d) EA."

**FOR FURTHER INFORMATION CONTACT:**

NMFS, Northwest Region, Protected Resources Division by phone at (503) 872-2791. Copies of the **Federal Register** notices cited herein and additional salmon-related materials are available on the Internet at <http://www.nwr.noaa.gov>.

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

The following species and Evolutionarily Significant Units (ESUs) are covered in this notice:

Chinook salmon (*O. tshawytscha*): the Sacramento River winter-run, Central

Valley spring-run, California Coastal, Upper Willamette River, Lower Columbia River, Puget Sound, Snake River fall-run, and Snake River spring/summer-run chinook ESUs;

*Coho salmon* (*O. kisutch*): Southern Oregon/Northern California Coast, Oregon coast, and Lower Columbia River coho ESUs;

*Sockeye salmon* (*O. nerka*): the Ozette Lake sockeye ESU;

*Chum salmon* (*O. keta*): the Columbia River and Hood Canal summer-run chum ESUs;

*Steelhead and rainbow trout* (*O. mykiss*): South-Central California Coast, Central California Coast, California Central Valley, Northern California, Upper Willamette River, Lower Columbia River, Middle Columbia River, Snake River Basin, and Upper Columbia River *O. mykiss* ESUs.

**Background**

On June 14, 2004, NMFS published proposed ESA listing determinations for 27 ESUs of salmon and *O. mykiss* (69 FR 33101). NMFS proposed threatened status for 23 ESUs in California, Oregon, Washington, and Idaho, and as part of that rulemaking also proposed amendments to the existing 4(d) protective regulations for threatened salmon and steelhead ESUs. The National Environmental Policy Act (NEPA) requires that Federal agencies conduct an environmental analysis of their actions to determine if the actions may affect the human environment. Accordingly, NMFS has prepared a draft EA that analyzes the impacts of the proposed amendments to the 4(d) protective regulations for West Coast salmonids, and is making it available for public review and comment.

This draft EA analyzes two alternatives: (1) No Action (no revision to the current 4(d) protective regulations); and (2) the Proposed Action Alternative (revision and simplification of existing 4(d) protective regulations). The Proposed Action Alternative includes the following amendments:

Apply the 4(d) protections and 14 limits promulgated in 2000 (as modified in the proposed amendments) to three ESUs being newly proposed for threatened status; Apply the same 4(d) protections and 14 limits promulgated in 2000 (as modified in proposed amendments) to all threatened ESUs; Amend an expired 4(d) limit which provided a temporary exemption for ongoing research with pending permit applications during the 2000 4(d) rulemaking, to temporarily exempt ongoing research during the current rulemaking process; Move the