

heights are the result of a mathematical least squares general adjustment of the vertical control portion of the National Spatial Reference System (NSRS) and are derived from approximately 105 km of 1st-Order, Class II geodetic leveling observations (15 km on Rota, 60 km on Saipan and 15 km on Tinian) undertaken specifically for this project. The basis for all NMVD 03 heights is Mean Sea Level, for the epoch 1983–2001, as determined by the NOS Center for Operational Oceanographic Products and Services (CO-OPS), and published for the National Water Levels Observation Network (NWLON) bench mark number 163 3227 UH–2C (1.657 meters), located in Tanapag Harbor.

NMVD 03 height information for individual geodetic control monuments is available in digital form, from the NGS Web site: <http://www.ngs.noaa.gov/cgi-bin/datasheet.prl>.

Dated: December 30, 2008.

**David B. Zilkoski,**

*Director, National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. E9–1180 Filed 1–21–09; 8:45 am]

**BILLING CODE 3510–JE–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Affirmation of Vertical Datum for Surveying and Mapping Activities for the island of Tutuila, American Samoa

**AGENCY:** National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration.

**ACTION:** Notice.

**SUMMARY:** This Notice announces a decision by the Federal Geographic Data Committee's Federal Geodetic Control Subcommittee, in accordance with the Office of Management and Budget, Circular A–16 (<http://www.whitehouse.gov/omb/circulars/a016/a016.html>) to affirm the American Samoa Vertical Datum of 2002 (ASVD 02) as the official civilian vertical datum for surveying and mapping activities for the island of Tutuila, American Samoa performed or financed by the Federal Government and to the extent practicable, legally allowable and feasible, require that all Federal agencies, with the exception of those with specific military related applications, using or producing vertical height information undertake an orderly transition to ASVD 02.

**DATES:** Individuals or organizations wishing to submit comments on the

adoption of ASVD 02 as the official civilian vertical datum for Tutuila, American Samoa, should do so by February 23, 2009.

**ADDRESSES:** Written comments should be sent to the attention of David Doyle, Chief Geodetic Surveyor, Office of the National Geodetic Survey, National Ocean Service (N/NGS2), 1315 East-West Highway, Silver Spring, Maryland, 20910, fax 301–713–4324, or via e-mail [Dave.Doyle@noaa.gov](mailto:Dave.Doyle@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to David Doyle, Chief Geodetic Surveyor, National Geodetic Survey (N/NGS2), 1315 East-West Highway, Silver Spring, MD, 20910; *Phone:* (301) 713–3178.

**SUPPLEMENTARY INFORMATION:** The National Ocean Service (NOS), National Geodetic Survey (NGS), has completed the definition and implementation of ASVD 02. ASVD 02 supersedes all previously published height systems determined by all Federal surveying and mapping agencies, with the exception of those specifically related to tidal datums and/or military applications for Tutuila. At this time, ASVD 02 does not apply to any of the other islands of American Samoa. ASVD 02 heights are the result of a mathematical least squares general adjustment of the vertical control portion of the National Spatial Reference System (NSRS) and includes 54 km of 1st-Order, Class II geodetic leveling observations undertaken specifically for this project. The basis for all ASVD 02 heights is Mean Sea Level, for the epoch 1983–2001, as determined by the NOS Center for Operational Oceanographic Products and Services (CO-OPS), and published for the National Water Levels Observation Network (NWLON) bench mark number 177 0000 S (1.364 meters), located in Pago Pago.

ASVD 02 height information for individual geodetic control monuments is available in digital form, from the NGS Web site: <http://www.ngs.noaa.gov/cgi-bin/datasheet.prl>.

Dated: December 30, 2008.

**David B. Zilkoski,**

*Director, National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

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**BILLING CODE 3510–JE–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XM72**

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

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

**ACTION:** Issuance of a scientific research permit.

**SUMMARY:** Notice is hereby given that NMFS has issued Permits 10093 and 10094 to the California Department of Fish and Game (CDFG), Region 1 and Region 3; respectively.

**ADDRESSES:** The application, permit, and related documents are available for review by appointment at: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 315, Santa Rosa, CA 95404 (ph: 707–575–6097, fax: 707–578–3435, e-mail at: [Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov)).

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Jahn at 707–575–6097, or e-mail: [Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

#### Authority

The 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 (50 CFR parts 222–226) governing listed fish and wildlife permits.

#### Species Covered in This Notice

This notice is relevant to federally threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*), endangered Central California Coast (CCC) coho salmon, threatened California Coastal (CC) Chinook salmon (*O. tshawytscha*), threatened Northern California (NC) steelhead (*O. mykiss*), threatened CCC steelhead, threatened South-Central California Coast (S-CCC) steelhead, and endangered Southern California (SC) steelhead.

**Permit Issued**

A notice of the receipt of an application for a scientific research permit (10093 and 10094) was published in the **Federal Register** on January 16, 2008 (73 FR 2900). Permits 10093 and 10094 were issued to CDFG Region 1 and Region 3 on September 23, 2008.

Permits 10093 and 10094 authorizes CDFG Region 1 and Region 3; respectively, intentional non-lethal take, and unintentional lethal take of the following ESA-listed salmonids: juvenile SONCC coho salmon, CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, S-CCC steelhead, and SC steelhead; adult CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, and S-CCC steelhead; and adult carcasses of SONCC coho salmon, CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, and S-CCC steelhead. The take activities associated with juvenile and adult ESA-listed salmonid studies include; capture (backpack electrofishing, beach seine, rotary screw trap, fish ladder trap, resistance board weir, flume-type-raceway/finger-weir-trap, hook and line and funnel/fyke trap), anesthetizing (optional), handling (identify, measure, and weigh), tissue sampling (fin-clip), scale sampling, marking (fin-clips and/or opercular-hole-punch), tagging (PIT and/or Floy tags) and release of fish. Take activities associated with adult ESA-listed salmonid carcass studies include; handling (identify, measure, and count), marking (opercular-hole-punch and/or cut-in-half), tagging (hog-ring), retaining (head; adipose clipped fish), scale sampling, tissue sampling (fin-clip), and release of fish.

Permits 10093 and 10094 authorizes unintentional lethal take of juvenile SONCC coho salmon, CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, S-CCC steelhead, and SC steelhead not to exceed 2.5 percent of fish captured. Permits 10093 and 10094 authorizes unintentional lethal take of adult CCC coho salmon, CC Chinook salmon, NC steelhead, CCC steelhead, and S-CCC steelhead not to exceed 2 percent of fish captured.

Permits 10093 and 10094 are for research to be conducted in streams and estuaries throughout the State of California. The purpose of the research is to support conservation and recovery planning of ESA-listed salmonids, address information needs identified by CDFG Region 1 and Region 3, and contribute to the general body of scientific knowledge pertaining to ESA-

listed salmonids. Permits 10093 and 10094 expire on December 31, 2013.

Dated: January 14, 2009.

**Angela Somma,**

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

[FR Doc. E9-1121 Filed 1-21-09; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XM62**

**Fisheries of the Exclusive Economic Zone off Alaska; Application for an Exempted Fishing Permit**

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

**ACTION:** Notice; receipt of application for exempted fishing permit.

**SUMMARY:** This notice announces receipt of an exempted fishing permit (EFP) application from the North Pacific Fisheries Foundation. If granted, this permit would allow the applicant to collect approximately 100 Pacific halibut caught in the non-pelagic trawl gear fishery for flatfish to evaluate the accuracy of two models for predicting delayed mortality of individual trawl caught halibut. This activity has the potential to promote the objectives of the Magnuson-Stevens Fishery Conservation and Management Act, and the Pacific Halibut Act by assessing techniques for improving survival of halibut in non-pelagic trawl fisheries and improving the accuracy of estimates of halibut mortality. Comments will be accepted at the February 4-10, 2009, North Pacific Fishery Management Council (Council) meeting in Seattle, WA.

**DATES:** Interested persons may comment on the EFP application during the Council's February 4-10, 2009, meeting in Seattle, WA.

**ADDRESSES:** The Council meeting will be held at the Renaissance Hotel, 515 Madison Street, Seattle, WA.

Copies of the EFP application and the basis for a categorical exclusion under the National Environmental Policy Act are available by writing to the Alaska Region, NMFS, P. O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian. The application also is available from the Alaska Region, NMFS website at <http://www.fakr.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hartman, 907-586-7442 or [jeff.hartman@noaa.gov](mailto:jeff.hartman@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS manages the domestic groundfish fisheries in the Bering Sea and Aleutian Islands (BSAI) under the Fishery Management Plan for Groundfish of the BSAI (FMP), which the Council prepared under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679. The FMP and the implementing regulations at § 600.745(b) and § 679.6 allow the NMFS Regional Administrator to authorize, for limited experimental purposes, fishing that would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations.

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention) and the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce (Secretary).

NMFS has received an application for an EFP from the North Pacific Fisheries Foundation (NPF). Under this EFP, the NPF would evaluate methods for projecting survival of released halibut, which could improve NMFS's estimates of halibut mortality in the non-pelagic trawl gear fishery for flatfish and identify techniques for minimizing mortality of this species in trawl fisheries.

**Background**

Regulations implemented by the IPHC allow Pacific halibut to be commercially harvested by the directed North Pacific longline fishery only. Halibut caught incidentally in other fisheries, such as non-pelagic trawl fisheries, must be recorded and returned to the ocean as soon as possible. The North Pacific Fishery Management Council establishes a seasonal maximum biomass of halibut bycatch adjusted for the estimated halibut discard mortality factor for each non-halibut directed fishery. Fisheries close when they reach their seasonal mortality cap even if the catch of the target species is less than the seasonal quota for the directed