

**FOR FURTHER INFORMATION CONTACT:** Dr. Anne Mullan at phone number (503) 231-6267, or e-mail [anne.mullan@noaa.gov](mailto:anne.mullan@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Authority**

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000) identifies specific categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to activities associated with routine road maintenance provided that a state or local program has been approved by NOAA Fisheries to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000).

**Species Covered in this Notice**

This notice is relevant to the following five threatened salmon ESUs: Chinook salmon (*Oncorhynchus tshawytscha*); threatened Upper Willamette River (UWR), and Lower Columbia River (LCR). Steelhead (*Oncorhynchus mykiss*); threatened Upper Willamette River (UWR), threatened Lower Columbia River (LCR). Coho salmon (*Oncorhynchus kisutch*); threatened Lower Columbia River (LCR).

Clackamas County, Department of Transportation and Development, submitted the RMP for routine road maintenance activities that might affect certain salmonid ESUs listed as threatened within the boundaries of Clackamas County. The RMP was designed so that routine road maintenance activities would be protective of salmonids and their habitat.

As specified in the July 10, 2000, ESA 4(d) rule for salmon and steelhead (65 FR 42422) under limit 10(i), take prohibitions to threatened species of salmonids do not apply to routine road maintenance activities of a state, county, city or port that complies with a program that is substantially similar to that contained in the Oregon Department of Transportation (ODOT) Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices (Guide, July 1999), and that is determined to meet or exceed the protections provided in the ODOT Guide. NOAA Fisheries may approve a routine road maintenance

program of any state, city, county or port that contains management practices that are equivalent to or better than those in the ODOT Guide. Prior to final approval of a routine road maintenance program, NOAA Fisheries must publish notification in the **Federal Register** announcing the program's availability for public review and comment.

The Clackamas County RMP submittal includes a cover letter addressed to the Regional Administrator of NOAA Fisheries, and a statement of commitment from Clackamas County to implement the RMP. In Parts 1 through 3, the RMP provides the responsible entity and legal authority for the program and provides a description of the program, including a description of Clackamas County's Riparian Management Areas and their Restricted Area Zones. In Part 2, the RMP provides a description of the geographic area to which the program applies, including an analysis of the environmental baseline of the watersheds of the lower Columbia River and the lower Willamette River within the County boundaries. Part 3 also includes tables that describe various habitat parameters such as culverts that block fish passage, riparian condition, and water quality condition. In Part 4, the RMP describes the listed species distribution and status, referring to distribution maps for steelhead and chinook found in Appendix B. A list of relevant reports is provided in Part 5. In Part 6, the RMP summarizes the training, monitoring, and reporting elements of the RMP and the RMP makes an affirmative conclusion that the program is identical to ODOT's program, referring to Table 5 comparing the two programs.

The RMP defines activities that are routine road maintenance. These consist of maintenance activities that are conducted on currently serviceable structures, facilities, and equipment, involve no expansion of or change in use, and do not result in significant negative hydrological impact. Clackamas County's asserts that their practices are as effective as ODOT's practices at protecting fish and their habitat because they are adopting the ODOT Best Management Practices. They differ only in the width of the Restricted Activity Zones delineated for each river or stream in the area covered by this RMP. These will be 150 feet on each side of the road or stream for Clackamas County's Road Maintenance Program, while ODOT uses a 250 foot width zone to review actions for additional protection. However, as the county road network is much denser, the narrower zones provide comparable protection to the ODOT program. Approval or

disapproval of the RMP will depend on NOAA Fisheries' findings after public review and comment.

Dated: September 15, 2009.

**Therese Conant,**

*Acting Division 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**

**RIN 0648-XR67**

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

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

**ACTION:** Applications for two scientific research permit renewals and one permit modification.

**SUMMARY:** Notice is hereby given that NMFS has received three scientific research permit application requests relating to Pacific salmon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: [https://apps.nmfs.noaa.gov/preview/preview\\_open\\_for\\_comment.cfm](https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm).

**DATES:** Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on October 21, 2009.

**ADDRESSES:** Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274. Comments may also be sent via fax to 503-230-5441 or by e-mail to [resapps.nwr@NOAA.gov](mailto:resapps.nwr@NOAA.gov).

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin, Portland, OR (ph.: 503-231-2005, Fax: 503-230-5441, e-mail: [Garth.Griffin@noaa.gov](mailto:Garth.Griffin@noaa.gov)). Permit application instructions are available from the address above, or online at [apps.nmfs.noaa.gov](https://apps.nmfs.noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened lower Columbia River (LCR), threatened upper Willamette River (UWR), endangered upper Columbia River (UCR), threatened Snake River (SR) spring/summer (spr/sum), threatened SR fall.

Chum salmon (*O. keta*): threatened Columbia River (CR).

Steelhead (*O. mykiss*): threatened LCR, threatened UWR, threatened middle Columbia River (MCR), threatened SR, threatened UCR.

Coho salmon (*O. kisutch*): threatened LCR, threatened Oregon Coast (OC).

Sockeye salmon (*O. nerka*): endangered SR.

#### Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR parts 222–226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone 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**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

#### Applications Received

##### Permit 1523–2R

The National Council of Air and Stream Improvements (NCASI) is seeking to renew its permit to annually take listed salmon while conducting research in the McKenzie and Willamette rivers in Oregon. The NCASI is requesting another 5-year permit to take juvenile UWR Chinook salmon while studying water quality and biological conditions in rivers receiving paper- and pulp mill discharges. The research will provide information on existing conditions in the watersheds and on changes in those conditions over time, and ultimately on the aquatic communities' responses to environmental stressors. The information will be used in a larger effort to monitor watershed health, water quality, and salmon recovery in the Upper Willamette watershed. The NCASI proposes to capture (using boat electrofishers), handle, and release

listed salmon. The NCASI does not intend to capture adult fish but some may be in the areas being fished and will be avoided as much as possible. While most of the fish would not be harmed, some juveniles may unintentionally be killed during the course of the research.

##### Permit 1525–3R

The Northwest Fisheries Science Center (NWFSC) is seeking to renew its permit to annually take listed salmonids in the Lower Willamette River, Oregon, and in the Columbia River from its mouth up to Bonneville Dam. The NWFSC is requesting another 5-year permit to take juvenile SR spring/summer Chinook salmon, SR fall Chinook salmon, SR steelhead, UCR Chinook salmon, UCR steelhead, MCR steelhead, LCR Chinook salmon, LCR steelhead, UWR Chinook salmon, UWR steelhead, and CR chum salmon. The purposes of the study are to (1) determine contaminant concentrations in fish, (2) understand contaminant bioaccumulation in juvenile salmon and determine site-specific factors leading to any contamination, (3) analyze the fish for the presence of physiological biomarkers, and (4) determine if the fish exhibit any indicators of exposure to environmental estrogens. The NWFSC would collect samples with seines or high-speed rope trawls and is asking for authorization to handle juvenile fish and to intentionally kill some of them for pathogen assays, biochemical composition, histopathological attributes, and stomach content analyses.

##### Permit 1318–7M

Permit 1318 currently authorizes the Oregon Department of Fish and Wildlife (ODFW) to take juvenile UCR Chinook salmon, UCR steelhead, SR steelhead, SR fall-run Chinook salmon, SR spring/summer-run Chinook salmon, SR sockeye salmon, MCR steelhead, UWR Chinook salmon, UWR steelhead, LCR Chinook salmon, LCR coho salmon, LCR steelhead, CR chum salmon, and OC coho salmon in streams in the Willamette and Columbia basins, and on the Oregon coast. The ODFW is seeking to modify the permit by adding an eighth project. The application contains the following projects: (1) warm water fish management surveys; (2) investigations of natural production of spring Chinook salmon in the Mohawk basin; (3) genetic characterization of rainbow trout in the upper Willamette subbasin; (4) fish abundance, population status, genetics and disease surveys in the upper Willamette subbasin; (5) native trout

surveys for abundance, size composition, and migration patterns in the mainstem McKenzie River; (6) resident redband population estimates in the Deschutes River; (7) resident redband population estimates in the Crooked River; and (8) fish population sampling in the North Willamette Watershed District. The research would benefit the fish by providing information on population structure, abundance, genetics, disease occurrence, and species interactions. That information would be used to direct management actions to benefit listed species. Juvenile salmonids would be collected (using boat electrofishing). Some fish would be anesthetized, sampled for length and weight, allowed to recover from the anesthesia, and released. Most salmonids would only be shocked and allowed to swim away, or be netted and released immediately. The ODFW does not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **FEDERAL REGISTER**.

Dated: September 15, 2009.

**Therese Conant**,

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–580–862]

#### Ni–Resist Piston Inserts from the Republic of Korea: Final Negative Countervailing Duty Determination

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) determines that countervailable subsidies are not being provided to producers and exporters of Ni–resist piston inserts from the Republic of Korea (Korea).

**DATES:** *Effective Date:* September 21, 2009.