

98115. Comments may also be submitted by email to: [NEOregonFisheryPlans.nwr@noaa.gov](mailto:NEOregonFisheryPlans.nwr@noaa.gov). Include in the subject line of the email comment the following identifier: Comments on Northeast Oregon Fishery Plans. Comments may also be sent via facsimile (fax) to (206) 526-6736. Requests for copies of the documents should be directed to the National Marine Fisheries Services, Salmon Management Division, 7600 Sand Point Way NE., Seattle, WA 98115. The documents are also available on the Internet at [www.nwr.noaa.gov](http://www.nwr.noaa.gov). Comments received will also be available for public inspection, by appointment, during normal business hours by calling (503) 230-5418.

**FOR FURTHER INFORMATION CONTACT:** Enrique Patiño at (206) 526-4655 or email: [enrique.patino@noaa.gov](mailto:enrique.patino@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally produced and artificially propagated Snake River Spring/Summer-run.

Steelhead (*O. mykiss*): threatened, naturally produced and artificially propagated Snake River Basin.

**Background**

Previously, NMFS had received fishery management plans for fisheries in tributaries of northeast Oregon. These plans, submitted by the Shoshone-Bannock Tribes, the Confederated Tribes of the Umatilla Indian Reservation, and the Oregon Department of Fish and Wildlife were the subjects of a draft environmental assessment and associated documents provided for public review and comment (76 FR 49735, August 11, 2011). Subsequent to that 30-day comment period, on February 17, 2012, NMFS received an updated TRMP from the NPT, addressing management of NPT fisheries in the Grande Ronde and Imnaha Rivers. NMFS also received an updated FMEP from Oregon describing inclusion of spring/summer Chinook salmon fisheries in the Washington State portion of the Grande Ronde River to be managed by the Washington Department of Fish and Wildlife on April 24, 2012. NMFS received additional comments clarifying aspects of the proposed actions. NMFS prepared a proposed evaluation of and pending determination on the NPT fishery plan, and updated the NMFS EA to incorporate the additional information.

The FMEPs and TRMPs propose to manage all spring/summer Chinook salmon fisheries to achieve escapement

objectives. The FMEPs and TRMPs utilize a harvest rate with five tiers based on predicted adult abundance to each of the affected populations. The majority of the harvest is anticipated to come from hatchery-origin stocks. The FMEPs and TRMPs also describe a process to guide coordination of fishery design and implementation between the agencies implementing fisheries in the action area.

As required by the ESA 4(d) Rule for Tribal Plans (65 FR 42481, July 10, 2000 [50 CFR 223.209]), the Secretary must determine pursuant to 50 CFR 223.209 and pursuant to the government-to-government processes therein whether the TRMPs for fisheries in Northeast Oregon would appreciably reduce the likelihood of survival and recovery of Snake River spring/summer and Snake River Basin steelhead. The Secretary must take comments on his pending determination as to whether the TRMPs address the criteria in the Tribal 4(d) Rule and in § 223.203(b)(4).

As specified in § 223.203(b)(4) of the ESA 4(d) Rule, NMFS may approve an FMEP if it meets criteria set forth in § 223.203(b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and comment.

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. NMFS expects to take action on three ESA section 4(d) TRMPs and two ESA section 4(d) FMEPs. Therefore, NMFS is seeking public input on the scope of the required NEPA analysis with the inclusion of the additional proposed activities, including the range of reasonable alternatives and associated impacts of any alternatives.

The final NEPA, TRMP, and FMEP determinations will not be completed until after the end of the 30-day comment period and will fully consider all public comments received during the comment period. NMFS will publish a record of its final action on the TRMPs in the **Federal Register**.

**Authority**

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities.

Limit 4 of the updated 4(d) rule (50 CFR 223.203(b)(4)) further provides that the prohibitions of paragraph (a) of the updated 4(d) rule (50 CFR 223.203(a)) do not apply to activities associated with fishery harvest provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005). The ESA Tribal 4(d) Rule (65 FR 42481, July 10, 2000) states that the ESA section 9 take prohibitions will not apply to TRMPs that will not appreciably reduce the likelihood of survival and recovery for the listed species.

Dated: January 16, 2013.

**Angela Somma,**

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

[FR Doc. 2013-01229 Filed 1-22-13; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XC431**

**Endangered and Threatened Species; Recovery Plan for the North Pacific Right Whale**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces the availability for public review of the draft Recovery Plan (Plan) for the North Pacific right whale (*Eubalaena japonica*). NMFS is soliciting review and comment from the public and all interested parties on the Plan, and will consider all substantive comments received during the review period before submitting the Plan for final approval.

**DATES:** Comments on the draft Plan must be received by close of business on March 11, 2013.

**ADDRESSES:** You may submit comments, identified by 0648-XC431, by any of the following methods:

*Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

*Mail:* Angela Somma, National Marine Fisheries Service, Office of Protected Resources, Endangered Species

Division, 1325 East West Highway, Silver Spring, MD 20910, Attn: North Pacific Right Whale Recovery Plan.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Shannon Bettridge (301-427-8437), email [Shannon.Bettridge@noaa.gov](mailto:Shannon.Bettridge@noaa.gov) or Larissa Plants (301-427-8471), email [Larissa.Plants@noaa.gov](mailto:Larissa.Plants@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Recovery plans describe actions beneficial to the conservation and recovery of species listed under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). Section 4(f)(1) of the ESA requires that recovery plans incorporate: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the Plan's goals; and (3) estimates of the time required and costs to implement recovery actions. The ESA requires the development of recovery plans for each listed species unless such a plan would not promote its recovery.

The Northern right whale (*Eubalaena glacialis*) has been listed as "endangered" under the Endangered Species Act (ESA) since its passage in 1973. In 2008, NMFS determined that the Northern right whale should be listed as two separate species, the North Pacific right whale and the North Atlantic right whale. North Pacific right whales historically had a wide distribution in the Pacific Ocean, but the population was dramatically reduced by extensive commercial whaling, now prohibited by the International Whaling Commission. It is estimated that roughly 1,000 individuals remain. Of the commercially exploited "great whales," the North Pacific right whale is one of the least well studied, and the current status of the North

Pacific right whale population is poorly understood. Currently, the population structure of North Pacific right whales has not been adequately defined.

Because the current status of North Pacific right whales is unknown, the primary purpose of the draft Recovery Plan is to provide a research strategy to obtain data necessary to estimate population abundance, trends, and structure and to identify factors that may be limiting North Pacific right whale recovery. Criteria for the reclassification of the North Pacific right whale are included in the draft Recovery Plan. In summary, the North Pacific right whale may be reclassified from endangered to threatened when all of the following have been met: (1) Given current and projected threats and environmental conditions, the North Pacific right whale population satisfies the risk analysis standard for threatened status (has no more than a 1 percent chance of extinction in 100 years) and the global population has at least 1,500 mature, reproductive individuals (consisting of at least 250 mature females and at least 250 mature males in each ocean basin). Mature is defined as the number of individuals known, estimated, or inferred to be capable of reproduction. Any factors or circumstances that are thought to substantially contribute to a real risk of extinction that cannot be incorporated into a Population Viability Analysis will be carefully considered before downlisting takes place; and (2) none of the known threats to North Pacific right whales are known to limit the continued growth of populations. Specifically, the factors in 4(a)(1) of the ESA are being or have been addressed: (A) The present or threatened destruction, modification or curtailment of a species' habitat or range; (B) overutilization for commercial, recreational or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors.

The population will be considered for delisting if all of the following can be met: (1) Given current and projected threats and environmental conditions, the total North Pacific right whale population in each ocean basin in which it occurs satisfies the risk analysis standard for unlisted status (has less than a 10 percent probability of becoming endangered in 20 years). Any factors or circumstances that are thought to substantially contribute to a real risk of extinction that cannot be incorporated into a Population Viability Analysis will be carefully considered before delisting takes place; and (2) none of the known threats to North

Pacific right whales are known to limit the continued growth of populations. Specifically, the factors in 4(a)(1) of the ESA are being or have been addressed.

The time and cost to recovery is not predictable with the current information and global listing of North Pacific right whales. The difficulty in gathering data on North Pacific right whales and uncertainty about the success of passive acoustic monitoring in fulfilling data needs make it impossible to give a timeframe to recovery. While we are comfortable estimating costs for 50 years of plan implementation (\$19.683 million), any projections beyond this date are likely to be too imprecise to predict. The anticipated date for removal from the endangered species list also cannot be determined because of the uncertainty in the success of recovery plan actions for North Pacific right whales. The effectiveness of many management activities is not known on a global level. Currently it is impossible to predict when such measures will bring the species to a point at which the protections provided by the ESA are no longer warranted, or even determine whether the species has recovered enough to be downlisted or delisted. In the future, as more information is obtained it should be possible to make more informative projections about the time to recovery, and its expense.

NMFS will consider all substantive comments and information presented during the public comment period in the course of finalizing this Plan. NMFS concludes that the Draft Recovery Plan meets the requirements of the ESA.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: January 17, 2013.

**Angela Somma,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XC455**

**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.