

addressed the standards of 50 CFR 223.209 (65 FR 42481, July 10, 2000), the ESA Tribal Plan Limit.

As required by § 223.209, NMFS must determine whether the Tribal Plan would appreciably reduce the likelihood of survival and recovery of the Snake River spring/summer chinook salmon ESU, and must seek public comment on its pending determination.

#### Discussion of the Biological Analysis Underlying the Determination

The Tribal Plan describes fishery management activities within the context of broader artificial propagation activities in the Imnaha River. The Nez Perce Tribe and the State of Oregon have co-manager responsibilities for spring chinook salmon within the Imnaha River sub-basin and manage this salmon population under cooperative agreements. The Tribe and state are responsible for managing fisheries and conservation-related artificial propagation programs that operate in the watershed. The objective of the Tribal Plan is to harvest spring chinook in a manner consistent with the overall objectives for chinook salmon in this watershed.

Impact levels to the listed spring chinook populations in the ESU are specified in the Tribal Plan. Analysis of the predicted return of naturally and hatchery-produced spring chinook salmon to the Imnaha River basin in year 2001 and the proposed harvest levels indicates that all hatchery brood stock and supplemental spawning needs will be met. Natural spawning escapement is projected to be approximately 133 percent of the previously highest count, after the proposed fisheries. The harvest proposal is based on a 10-percent impact on a total return that has been estimated at 6,700 fish. Included in the actions proposed by the Tribal Plan are tribal and state fisheries which would harvest 670 adult and jack chinook salmon. The Evaluation concludes that the proposed harvest will not interfere with brood stock collection goals and supplemental releases of fish for natural spawning while still allowing a projected return of over 3,000 adult naturally produced spring chinook. NMFS determined that the fishery management activities included in the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the ESU in the wild based on the current status of this component population. A comprehensive review of the Tribal Plan to evaluate whether the fisheries and listed spring chinook populations are performing as expected will be done at the end of the proposed 2001 season.

#### Summary of Comments Received in Response to the Proposed Evaluation and Recommendation Document

NMFS published notification of its draft evaluation and pending determination on the Tribal Plan for public review and comment on May 16, 2001 (66 FR 27069). The public comment period closed on May 29, 2001. NMFS received no comments concerning this document.

Based on its Evaluation and the fact that no public comments were received, NMFS issued its final determination on the Tribal Plan on August 31, 2001.

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as it deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal Plan Limit at 50 CFR 223.209 states that the ESA section 9 take prohibitions will not apply to any activity undertaken by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent in compliance with a Tribal Plan determined by NMFS to not appreciably reduce the likelihood of survival and recovery of the listed salmonids.

Dated: November 6, 2001.

**Margaret Lorenz,**

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

[FR Doc. 01-28239 Filed 11-8-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 103001A]

#### Endangered Species; Permit 1046 and 1067

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

**ACTION:** Issuance of modification 1 to permit 1046 and modification 3 to permit 1067.

**SUMMARY:** Notice is given that the National Marine Fisheries Service (NMFS) has issued modification 1 to permit 1046 to the National Park Service (NPS) and modification 3 to permit 1067 to the California Department of Fish and Game (CDFG). Both permit modifications authorize takes of Endangered Species Act-listed anadromous fish species for the purpose of rescue, subject to certain conditions set forth therein.

**ADDRESSES:** The applications and related documents are available for review in the following office, by appointment:

For permits 1046 and 1067: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404-6528

**FOR FURTHER INFORMATION CONTACT:** For permits 1046 and 1067: Daniel Logan, Protected Resources Division, NMFS, Santa Rosa, California, (707) 575-6053.

#### SUPPLEMENTARY INFORMATION:

##### Species Covered in this Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice: Southern Oregon/Northern California Coasts (SONCC) coho salmon (*Oncorhynchus kisutch*) and Central California Coast (CCC) coho salmon.

Issuance of these permit modifications, as required by the ESA, was based on a finding that such modifications were: (1) applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permit; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. These modifications were issued in accordance with, and are subject to, 50 CFR part 222, the NMFS regulations governing listed species permits.

##### Modifications to Permits Issued

The NMFS has authorized the NPS to rescue juvenile coho salmon stranded in drying pools in streams in portions of the CCC coho salmon ESU. Also, NMFS has authorized the CDFG to rescue juvenile coho salmon stranded in drying pools in streams throughout the CCC and SONCC coho salmon ESU's. Annual rainfall totals for the 2001 water year for coastal northern California is 58% of normal. The reduced rainfall has led to reduced stream flows with pools having become disconnected from the streams.

Biologists from CDFG, NPS, and other entities have observed coho salmon in residual pools, and many pools have dried completely.

NMFS believes that the modifications to permits 1046 and 1067 authorizing rescues of stranded SONCC or CCC coho salmon is an appropriate emergency situation, consistent with 50 CFR 222.303(g). Therefore a public comment period was not commenced on this action. The issuance of the modifications to permits 1046 and 1067 allows NMFS to utilize its authority to further the purpose of the ESA; that is to lead to the recovery of listed species. Without intervention, thousands of juvenile CCC coho salmon will die.

Facilitating rescues of stranded SONCC coho salmon and CCC coho salmon will result in conservation of the threatened salmonid ESUs by preserving life or furthering our understanding of the species. By the very nature of the circumstances that trigger these actions, NMFS concludes that facilitating rescue activities is necessary and advisable.

For Modification 1 to permit 1046, the following change was incorporated into the take limits for the permit: The NPS is authorized to capture, transport, and release of 5000 juvenile CCC coho salmon associated with fish rescue operations within drainages on, and proximate to, National Park Service lands in Marin County, CA. The NPS may rescue juvenile CCC coho salmon, found in habitat areas where conditions are likely to result in eminent mortality; the fish must be released into habitat areas within the same watershed where the chance of long-term survival is increased.

For Modification 3 to permit 1067, the following changes were incorporated into the take limits for the permit: (1) The CDFG is authorized to capture, transport, and release 7,500 juvenile SONCC coho salmon associated with fish rescue operations throughout the California portion of the SONCC coho salmon ESU; (2) the CDFG is authorized to capture, transport, and release 7,500 juvenile CCC coho salmon associated with fish rescue operations throughout the CCC coho salmon ESU. The CDFG may rescue juvenile SONCC coho salmon and/or CCC coho salmon found in habitat areas where conditions are likely to result in eminent mortality; the fish must be released into habitat areas within the same watershed where the chance of long-term survival is increased.

Dated: November 6, 2001.

**Margaret Lorenz,**

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

[FR Doc. 01-28240 Filed 11-8-01; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 103001B]

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

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

**ACTION:** Amended notice for applications for scientific research permits 1156 and 1335.

**SUMMARY:** NMFS is amending the notice for applications for ESA scientific research permits from United States Environmental Protection Agency in Corvallis, OR (EPA) and United States Forest Service (USFS) in Corvallis, OR.

**DATES:** Comments or requests for a public hearing on any of the applications must be received at the appropriate address or fax number (see address) no later than 5 p.m. Pacific daylight time on December 10, 2001.

**ADDRESSES:** Written comments on the applications should be sent to Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737 (503-230-5400).

Comments may also be sent via fax to 503-230-5435. Comments will not be accepted if submitted via e-mail or the internet.

**FOR FURTHER INFORMATION CONTACT:** Chelle Blazer, Portland, OR, phone: 503-231-2001, fax: 503-230-5435, e-mail: [Chelle.Blazer@noaa.gov](mailto:Chelle.Blazer@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Endangered Upper Columbia River (UCR), Threatened Lower Columbia River (LCR), Threatened Puget Sound (PS)

Steelhead (*O. mykiss*): Endangered UCR, Threatened Middle Columbia River (MCR), Threatened LCR, Threatened Upper Willamette River (UWR)

Chum salmon (????): Threatened Columbia River (CR), Threatened Hood Canal summer-run (HC)

##### Amended Notice

On April 19, 2000, NMFS published a notification (65 FR 20954) that EPA requested an amendment to a modification request for permit 1156. The request was to take LCR chinook salmon associated with research designed to collect data to enforce the Clean Water Act in the Pacific Northwest. EPA had also requested take of UW steelhead associated with the research but it was not included in the notice. The additional species were requested because an additional sampling location was added to the research to accommodate and coordinate with the Regional Environmental Monitoring and Assessment Program in the Cascades Ecoregion. The EPA proposes to capture (using electrofishing), examine, and release fish. The modification as

amended is requested to be valid for the duration of the permit, which expires on December 31, 2002.

On July 20, 2001, NMFS published a notice (66 FR 37947) that USFS requested 5-year permit (1335) to take adult and juvenile CR chum salmon in three tributaries of the Columbia River in Washington state. EPA had also requested take of juvenile UCR, LCR, and PS chinook salmon; UCR, MCR, and LCR steelhead; and CR and HC chum salmon associated with the research but they were not included in the notice. USFS proposes to capture (using backpack electrofishing), anesthetize, measure, and release fish. USFS also requests juvenile fish indirect mortality associated with the research.

Dated: November 6, 2001.

**Margaret Lorenz,**

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

[FR Doc. 01-28241 Filed 11-8-01; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Performance Review Board (PRB)

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice; update membership list of the United States Patent and Trademark Office Performance Review Board.

**SUMMARY:** In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), the United States Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

**ADDRESSES:** Director, Office of Human Resources, United States Patent and Trademark Office, One Crystal Park, Suite 707, Washington, DC 20231.

**FOR FURTHER INFORMATION CONTACT:** Sydney Rose at (703) 305-8062.

**SUPPLEMENTARY INFORMATION:** The membership of the United States Patent and Trademark Office Performance Review Board is as follows:

**Clarence Crawford,** Chair, Chief Financial Officer and Chief Administrative Officer, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2003.

**Nicholas Godici,** Commissioner for Patents, United States Patent and Trademark Office, Washington, DC