

and their regulatory applications, the DARP has the discretion to develop indirect cost rates for its component organizations and formulate policies on the recovery of indirect cost rates subject to its requirements.

#### The DARP's Indirect Cost Effort

In December 1998, the DARP hired the public accounting firm Rubino & McGeehin, Chartered (R&M), to: Evaluate the cost accounting system and allocation practices; recommend the appropriate indirect cost allocation methodology; and determine the indirect cost rates for the three organizations that comprise the DARP. A **Federal Register** notice on R&M's effort, their assessment of the DARP's cost accounting system and practice, and their determination regarding the most appropriate indirect cost methodology and rates for FYs 1993 through 1999 was published on December 7, 2000 (65 FR 76611). The notice and report by R&M can also be found on the DARP Web site at: <http://www.darp.noaa.gov>.

R&M continued its assessment of DARP's indirect cost rate system and structure for FYs 2000 and 2001. A second federal notice specifying the DARP indirect rates for FYs 2000 and 2001 was published on December 2, 2002 (67 FR 71537).

In October 2002, DARP hired the accounting firm of Cotton and Company LLP (Cotton) to review and certify DARP costs incurred on cases for purposes of cost recovery and to develop indirect rates for FY 2002 and subsequent years. As in the prior years, Cotton concluded that the cost accounting system and allocation practices of the DARP component organizations are consistent with Federal accounting requirements. Consistent with R&M's previous analyses, Cotton also determined that the most appropriate indirect allocation method continues to be the Direct Labor Cost Base for all three DARP component organizations. The Direct Labor Cost Base is computed by allocating total indirect cost over the sum of direct labor dollars plus the application of NOAA's leave surcharge and benefits rates to direct labor. Direct labor costs for contractors from the Oak Ridge Institute for Science and Education (ORISE) also were included in the direct labor base because Cotton determined that these costs have the same relationship to the indirect cost pool as NOAA direct labor costs. ORISE provides on-site support to the DARP in the areas of injury assessment, natural resource economics, restoration planning and implementation, and policy analysis. A third federal notice specifying the DARP

indirect rates for FY 2002 was published on October 6, 2003 (68 FR 57672). Cotton's reports on the FY 2002 DARP indirect rates can also be found on the DARP Web site at: <http://www.darp.noaa.gov>.

Cotton reaffirmed that the Direct Labor Cost Base is the most appropriate indirect allocation method for the development of the FY 2003 indirect cost rates.

#### The DARP's Indirect Cost Rates and Policies

The DARP will apply the indirect cost rates for FY 2003 as recommended by Cotton for each of the DARP component organizations as provided in the following table:

DARP component organization	FY 2003 indirect rate (percent)
Damage Assessment Center (DAC) .....	261.96
Restoration Center (RC) .....	223.74
General Counsel for Natural Resources (GCNR) .....	206.47

These rates are based on the Direct Labor Cost Base allocation methodology.

The FY 2003 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2003 and September 30, 2004. DARP will use the FY 2003 indirect cost rates for future fiscal years until subsequent year-specific rates can be developed.

For cases that have settled and for cost claims paid prior to the effective date of the fiscal year in question, the DARP will not re-open any resolved matters for the purpose of applying the revised rates in this policy for these fiscal years. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, costs will be recalculated using the revised rates in this policy for these fiscal years. Where a responsible party has agreed to pay costs using previous year's indirect rates, but has not yet made the payment because the settlement documents are not finalized, the costs will not be recalculated.

The DARP indirect cost rate policies and procedures published in the **Federal Register** on December 7, 2000 (65 FR 76611), on December 2, 2002 (67 FR 71537), and October 6, 2003 (68 FR 57672) remain in effect except as updated by this notice.

Dated: May 16, 2005.

**Mitchell Luxenberg,**

*Acting Director, Management and Budget, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 051305D]

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

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

**ACTION:** Notice of availability of decision and analysis documents for incidental take permit.

**SUMMARY:** This notice advises the public that an incidental take permit to the Idaho Department of Fish and Game (IDFG), pursuant to the Endangered Species Act of 1973 (ESA), has been issued and that the decision documents are available upon request.

**DATES:** Permit 1481 was issued on March 30, 2005, subject to certain conditions set forth therein. The permit expires on May 31, 2010.

**ADDRESSES:** Requests for copies of the decision documents or any of the other associated documents should be directed to the Salmon Recovery Division, National Marine Fisheries Service, 10095 W. Emerald, Boise, Idaho 83704. The documents are also available on the Internet at [www.nwr.noaa.gov](http://www.nwr.noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Herb Pollard, Boise, Idaho, at phone number: (208) 378-5614, e-mail: [herbert.pollard@noaa.gov](mailto:herbert.pollard@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This notice is relevant to the following species and evolutionarily significant units (ESUs):

Spring/summer chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River;

Fall chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River;

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River; and

Steelhead (*Oncorhynchus mykiss*): threatened Snake River.

#### Permits

Permit 1481 was issued to IDFG on March 31, 2005. Permit 1481 authorizes IDFG annual incidental take of naturally produced and artificially propagated

ESA-listed anadromous fish associated with the operation of recreational fisheries that target non-listed, hatchery-origin anadromous fish and resident game fish species. Permit 1481 expires May 31, 2010.

Permit 1481 authorizes IDFG's recreational fishing programs, including the following activities: (1) Resident recreational fishing in waters that also support ESA-listed chinook and sockeye salmon under the IDFG General Fishing Regulations, including kokanee and trout fisheries in Redfish, Alturas, and Pettit Lakes; (2) chinook salmon recreational fishing in the Clearwater River, Snake River, Salmon River, Little Salmon River, and South Fork Salmon River under the IDFG Anadromous Salmon Fishing Regulations; and (3) summer steelhead fishing during the fall and spring seasons under the IDFG Steelhead Fishing Regulations. The permit constitutes authorization for implementation of the IDFG General Fishing Regulations, the IDFG Anadromous Salmon Fishing Regulations, and the IDFG Steelhead Fishing Regulations. Recreational fisheries are monitored in a manner that allows evaluation of the effectiveness of protective regulations and conservation strategies.

NMFS' conditions in the permit will ensure that the take of ESA-listed anadromous fish will not jeopardize the continued existence of the listed species. In issuing the permits, NMFS determined that IDFG's Conservation Plan provides adequate mitigation measures to avoid, minimize, or compensate for take of ESA-listed anadromous fish.

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

Dated: May 17, 2005.

**Phil Williams,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 051305E]

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

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

**ACTION:** Application for a scientific research/enhancement permit.

**SUMMARY:** Notice is hereby given that NMFS has received a scientific research and enhancement permit application relating to Pacific salmon. Permit 1530 would be issued jointly to the Washington Department of Fish and Wildlife, Nez Perce Tribe through the Bureau of Indian Affairs, and the Idaho Department of Fish and Game (Applicants) to operate the adult fish trap at Lower Granite Dam. The proposed actions are intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. It is also intended to facilitate collection of broodstock to supply an artificial propagation program designed to enhance the propagation and survival of threatened Snake River fall chinook salmon.

**DATES:** Comments or requests for a public hearing on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on June 20, 2005.

**ADDRESSES:** Written comments on the application should be sent to Salmon Recovery Division, NMFS, 10095 W. Emerald, Boise, ID 83704. Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is [LGRtrap.nwr@noaa.gov](mailto:LGRtrap.nwr@noaa.gov). Include in the subject line of the e-mail comment the following identifier: *Comments on trapping at Lower Granite Dam*. Comments may also be submitted via facsimile (fax) to (208) 378-5614.

**FOR FURTHER INFORMATION CONTACT:** Herb Pollard, Boise, Idaho, at phone number: (208) 378-5614, e-mail: [herbert.pollard@noaa.gov](mailto:herbert.pollard@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

The following listed species and evolutionarily significant units (ESUs) are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River (SR) fall.

Steelhead (*O. mykiss*): threatened SR. Scientific research and enhancement 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 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 permit.

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**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA.

**Applications Received**

*Permit 1530*

The Applicants are requesting a 5-year permit to take SR fall chinook salmon and SR steelhead during the course of operating an adult fish trap at Lower Granite Dam on the Columbia River.

The proposed action is designed to address two purposes. The trapping activity is intended to capture a random sample of Snake River fall chinook salmon and collect the necessary biological data and observations to statistically generate a "run reconstruction", or description of composition of the entire fall chinook salmon migration, as it passes Lower Granite Dam, according to age, sex, and origin (hatchery or natural). The second purpose is to collect additional adult fall chinook salmon for broodstock needed to support enhancement actions at Lyons Ferry Hatchery and Nez Perce Tribal Hatchery. Incidental to the primary purposes, the program will help managers simultaneously monitor several ongoing activities in the basin (e.g., natural production of listed species and the operation of the Federal Columbia River hydropower system) as well as stray rates and population health for the two listed species.

To achieve its purposes, the project includes four objectives: First, to capture SR fall chinook salmon so that they may be used for mitigation, compensation, and natural production. Second, to remove hatchery-origin fall chinook originating from projects other