

ETP by Spanish-flag purse seine vessels or purse seine vessels operating under Spanish jurisdiction.

Dated: May 5, 2008.

**James W. Balsiger,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG42**

#### Taking and Importing of Marine Mammals

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

**ACTION:** Notice; affirmative finding renewal.

**SUMMARY:** The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) has renewed the affirmative finding for the Republic of Ecuador under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by Ecuadorian-flag purse seine vessels or purse seine vessels operating under Ecuadorian jurisdiction to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Republic of Ecuador and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

**DATES:** The renewal is effective from April 1, 2008, through March 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213; phone 562-980-4000; fax 562-980-4018.

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting

nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS will review the affirmative finding and determine whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Republic of Ecuador or obtained from the IATTC and the Department of State and has determined that Ecuador has met the MMPA's requirements to receive an annual affirmative finding renewal.

After consultation with the Department of State, the Assistant Administrator issued the Republic of Ecuador's annual affirmative finding renewal, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Ecuadorian-flag purse seine vessels or purse seine vessels operating under Ecuadorian jurisdiction. Ecuador's affirmative finding will remain valid through March 31, 2010, subject to subsequent annual reviews by NMFS.

Dated: May 5, 2008.

**James W. Balsiger,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XH74**

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

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

**ACTION:** Notice of availability and request for comment.

**SUMMARY:** Notice is hereby given that NMFS has received an application from the Washington Department of Fish and Wildlife (WDFW) for an incidental take permit pursuant to the Endangered Species Act of 1973, as amended (ESA). This document serves to notify the public of the availability for comment of a revised draft environmental assessment (EA) before a final decision on whether to issue a Finding of No Significant Impact and the permit is made by NMFS. The draft EA is revised to reflect a permit extension from five years to ten years. All comments received will become part of the public record and will be available for review pursuant to section 10(c) of the ESA.

**DATES:** Written comments on the application and draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific time on May 23, 2008.

**ADDRESSES:** Written comments on the application should be sent to Kristine Petersen, Salmon Recovery Division, 1201 N.E. Lloyd Boulevard, Suite 1100, Portland, OR 97232. Comments may also be submitted by e-mail to: [UCRFisheriesEA.nwr@noaa.gov](mailto:UCRFisheriesEA.nwr@noaa.gov). Include in the subject line of the e-mail comment the following identifier: Comments on UCR recreational fisheries. Comments may also be sent via facsimile (fax) to (503) 872-2737. Requests for copies of the permit application should be directed to the Salmon Recovery Division, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232. 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) 230-5409.

**FOR FURTHER INFORMATION CONTACT:** Kristine Petersen at (503) 230-5409.

**SUPPLEMENTARY INFORMATION:** This notice is relevant to the following species and evolutionarily significant

units (ESUs) or distinct population segments (DPSs):

Steelhead (*Oncorhynchus mykiss*): endangered, naturally produced and artificially propagated Upper Columbia River (UCR) and threatened Middle Columbia River.

Chinook salmon (*O. tshawytscha*): endangered Upper Columbia River spring-run and threatened Snake River fall-run.

### Background

Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits to non-Federal entities to take ESA-listed species if such taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity, under section 10(a)(1)(B) of the ESA. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

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 an ESA section 10(a)(1)(B) submittal received from the WDFW and is seeking public input to extend the WDFW's permit term from five years to ten years.

On September 12, 2005, the WDFW submitted an application to NMFS for an ESA section 10(a)(1)(B) permit for incidental take of ESA-listed anadromous fish species associated with recreational fishery programs in the upper Columbia River and its tributaries for a five-year period (70 FR 71087). On September 12, 2007, the draft NEPA analysis of the action was made available for public comment (72 FR 52085). All comments were subsequently addressed, and no comments were received regarding the permit term. However, a final EA and final ESA determination were not prepared because, since the draft EA public comment period, NMFS has determined that issuing the proposed permit for ten years, rather than five years, is reasonable. NMFS believes that these fisheries pose a low risk of deviating from the assessed impacts over time. Permit 1554 as proposed, and as previously described, would maintain or strengthen monitoring and compliance enforcement activities and, therefore, the level of confidence in the effects analysis and the impacts.

Additionally, permit 1554 would include an annual reporting requirement and identify an annual renewal process. If impacts exceed the authorized take or new information on the impacts of the activities arises, NMFS could re-initiate consultation. The proposed fisheries would target non-listed anadromous salmon and steelhead and resident game fish species. No fisheries that would target listed species are proposed. Implementation of these fisheries would allow fishing for recreational purposes and would provide economic opportunities for local communities through the sale of licenses and equipment, and the conduct of other business and services related to recreational fisheries.

This notice is provided pursuant to section 10(c) of the ESA. NMFS requests comments on the ten-year permit period and will evaluate comments submitted to determine whether the application meets the requirements of section 10(a)(1)(A) of the ESA. If it is determined that the requirements are met, a final EA and Finding of No Significant Impact will be prepared, and a permit will be issued to the WDFW for the purpose of carrying out the fisheries management activities. NMFS will publish a record of its final action in the **Federal Register**.

Dated: May 6, 2008.

**Marta Nammack,**

*Acting 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-XH76**

### Public Meetings on the Makah Tribe's Request To Hunt Eastern North Pacific Gray Whales

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

**ACTION:** Notice.

**SUMMARY:** We are issuing this notice to advise the public that NMFS has prepared a Draft Environmental Impact Statement (DEIS) in response to the Makah Tribe's request that NMFS waive the take moratorium of the Marine Mammal Protection Act (MMPA) to allow for treaty right hunting of eastern North Pacific (ENP) gray whales in

usual and accustomed grounds off the coast of Washington State. We are requesting written comments on the DEIS and announcing the dates and locations of three public meetings regarding the DEIS.

**DATES:** Three public meetings will be held as follows:

- (1) May 28, 2008, Port Angeles, Washington;
- (2) June 2, 2008, Seattle, Washington; and
- (3) June 5, 2008, Silver Spring, Maryland.

Specific times and locations for each of these meetings is included in **SUPPLEMENTARY INFORMATION**.

Written or electronic comments on the DEIS from all interested parties are encouraged and must be received no later than 5 p.m. PDT on July 8, 2008. All comments and material received, including names and addresses, will become part of the administrative record and may be released to the public.

**ADDRESSES:** All comments concerning the DEIS should be addressed to: Steve Stone, NMFS Northwest Region, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232. Comments may also be submitted via fax (503) 230-5441, Attn: 2008 Makah DEIS, or by e-mail to [MakahDEIS.nwr@noaa.gov](mailto:MakahDEIS.nwr@noaa.gov) with a subject line containing the document identifier: 2008 Makah DEIS.

The DEIS is available in electronic form on the Internet at the following address: <http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Gray-Whales/>. The DEIS also may be viewed at various libraries identified at this Internet address or at the following NMFS offices:

- (1) NMFS Protected Resources Division, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232. Contact Steve Stone at 503-231-2317; and
- (2) NMFS, Protected Resources Division, 7600 Sand Point Way, NE, Building 1, Seattle, WA 98115-6349. Contact Josephine Evans at 206-526-6150.

In addition, copies of the DEIS are available on CD by contacting Steve Stone (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Steve Stone, NMFS Northwest Region, (503) 231-2317, or Tom Eagle, Office of Protected Resources, (301) 713-2322, ext. 105.

### SUPPLEMENTARY INFORMATION:

#### Meeting Information

Dates, times, and addresses for the public meetings are as follows:

- (1) May 28, 2008, 6:30 p.m.-9:30 p.m., Vern Burton Memorial Community