

Atmospheric Administration (NOAA), Commerce.

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

**SUMMARY:** Notice is hereby given that The Northwest Indian Fisheries Commission (NWIFC) has submitted an amendment to its Tribal Resource Management Plan (Tribal Plan) for NMFS to evaluate. The amendment would allow tribal researchers to take adult and juvenile Puget Sound steelhead and adult Puget Sound Chinook salmon in addition to the fish they already take under the current Tribal Plan. It was presented by the Bureau of Indian Affairs (BIA) on behalf of the Northwest Indian Tribes; the submission fulfills the Tribes' obligations under the protective regulations promulgated for Puget Sound Chinook salmon, Puget Sound steelhead, and Hood Canal summer-run chum salmon under the Endangered Species Act (ESA). The Tribal Plan describes research and assessment activities that may affect listed Puget Sound Chinook salmon, Puget Sound steelhead, and Hood Canal summer-run chum salmon in Washington State. NMFS has completed an evaluation of how well the Tribal Plan fulfills ESA criteria and proposes to determine that the Tribal Plan will not appreciably reduce any listed species' likelihood of survival and recovery. The Secretary of Commerce is making NMFS' evaluation and proposed determination available for public comment.

**DATES:** Written comments on the Secretary's evaluation and proposed determination must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on March 12, 2009.

**ADDRESSES:** Written comments and requests for copies of the proposed evaluation should be addressed to Gary Rule, Protected Resources Division, National Marine Fisheries Service, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232-1274. Comments may also be sent via fax to (503) 230 5441. Comments will not be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:** Gary Rule, Portland, OR (ph.: 503- 230 5424, Fax: 503-210-5441, e-mail: [gary.rule@noaa.gov](mailto:gary.rule@noaa.gov)).

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*)  
Puget Sound steelhead (*O. mykiss*)  
Hood Canal summer-run chum salmon (*O. keta*)

**Authority**

Under section 4 of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal 4(d) rule (70 FR 37160, June 28, 2005) states that the ESA section 9 take prohibitions do not apply to Tribal Plans that will not appreciably reduce any listed species' likelihood of survival and recovery.

**The Tribal Plan**

The NWIFC – through the BIA and on behalf of the Northwest Indian Tribes – has submitted an amendment to its Tribal Plan for scientific research and assessment activities within the range of ESA-listed Puget Sound Chinook salmon, Puget Sound steelhead, and Hood Canal summer-run chum salmon. The amendment would alter the current Tribal Plan by allowing researchers to take adult and juvenile Puget Sound steelhead and adult Puget Sound Chinook salmon. The Northwest Indian Tribes conduct, independently and in cooperation with other agencies, a variety of research and assessment projects. These projects provide the technical basis for managing fisheries and conserving and restoring salmon stocks and their habitat. The need for an improved understanding of salmonid survival in the freshwater and early marine life stages drives much of the current research. The Tribal Plan includes implementation, monitoring, and evaluation procedures designed to ensure that the research is consistent with the objectives of the ESA. The research activities described in the Tribal Plan would take place over an 8-year period starting in 2009.

As 50 CFR 223.209 requires, the Secretary must determine whether the Tribal Plan would appreciably reduce the likelihood of survival and recovery for Puget Sound Chinook salmon, Puget Sound steelhead, and Hood Canal summer-run chum salmon. In keeping with those requirements, the Secretary must take comments on how well the Tribal Plan addresses the criteria in § 223.209 when making that determination. NMFS proposes after having evaluated the submission to determine that the Tribal plan will not appreciably reduce the likelihood of survival and recovery for Puget Sound Chinook salmon, Puget Sound steelhead, or Hood Canal summer-run chum salmon.

Dated: February 4, 2009.

**Angela Somma,**

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

[FR Doc. E9-2652 Filed 2-9-09; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Evaluation of State Coastal Management Programs and National Estuarine Research Reserves**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

**ACTION:** Notice of Intent to Evaluate and Notice of Availability of Final Findings.

**SUMMARY:** The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Mississippi Coastal Management Program and the San Francisco Bay Conservation and Development Commission and the California State Coastal Conservancy components of the California Coastal Management Program.

The Coastal Zone Management Program evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA) and regulations at 15 CFR Part 923, Subpart L. The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Management Programs requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

Each evaluation will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting will be held as part of the site visit. Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of the public meetings during the site visits.

*Dates and Times:* The joint San Francisco Bay Conservation and Development Commission and California State Coastal Conservancy evaluation site visit will be held March

9–13, 2009. One public meeting will be held during the week. The public meeting will be held on Monday, March 9, 2009, at 5 p.m. at the San Francisco Bay Conservation and Development Commission, McAteer-Petris Conference Room, 50 California Street, Suite 2600, San Francisco, California.

The Mississippi Coastal Management Program evaluation site visit will be held March 16–20, 2009. One public meeting will be held during the week. The public meeting will be held on Monday, March 16, 2009, at 6 p.m., at the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, Mississippi.

**ADDRESSES:** Copies of states' most recent performance reports, as well as OCRM's evaluation notification and supplemental information request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the last public meeting held for a Program. Please direct written comments to Kate Barba, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910. When the evaluation is completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the availability of the final evaluation findings for the South Carolina and Virgin Islands Coastal Management Programs (CMPs) and the Jacques Cousteau (NJ) and Grand Bay (MS) National Estuarine Research Reserves (NERRs). Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approval of CMPs and the operation and management of NERRs.

The Jacques Cousteau and Grand Bay NERRs were found to be adhering to programmatic requirements of the NERR System. The State of South Carolina was found to be implementing and enforcing its federally approved coastal management program, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)–(K), and adhering to the programmatic terms of their financial assistance awards. The evaluation of the Virgin Islands Coastal Management Program focused solely on staffing issues, and the Territory of the U.S. Virgin Islands was found to continue to have difficulty

attracting, hiring, and retaining well-qualified staff in sufficient numbers, thus hampering effective implementation of the program.

Copies of these final evaluation findings may be obtained upon written request from: Kate Barba, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, or [Kate.Barba@noaa.gov](mailto:Kate.Barba@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Kate Barba, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–1182.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Dated: January 22, 2009.

**David M. Kennedy,**

*Director, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. E9–2676 Filed 2–9–09; 8:45 am]

**BILLING CODE 3510–08–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XN05**

#### Fisheries in the Western Pacific; Western Pacific Crustacean Fisheries; 2009 Northwestern Hawaiian Islands Lobster Harvest Guideline

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

**ACTION:** Notification of harvest guideline for crustaceans.

**SUMMARY:** NMFS announces that the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) for calendar year 2009 is established at zero lobsters.

**FOR FURTHER INFORMATION CONTACT:** Bob Harman, NMFS Pacific Islands Region, 808–944–2271.

**SUPPLEMENTARY INFORMATION:** The NWHI commercial lobster fishery is managed under the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (Crustaceans FMP). The regulations at 50 CFR 665.50(b)(2) require NMFS to publish an annual harvest guideline for lobster Permit Area

1, comprised of Federal waters around the NWHI.

Regulations governing the Papahānaumokuākea Marine National Monument in the NWHI prohibit the unpermitted removal of monument resources (50 CFR 404.7), and establish a zero annual harvest guideline for lobsters (50 CFR 404.10(a)). Accordingly, NMFS establishes the harvest guideline at zero lobsters for the NWHI commercial lobster fishery for calendar year 2009; thus, no harvest of NWHI lobster resources is allowed.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: January 30, 2009.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E9–2779 Filed 2–9–09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XN14**

#### Marine Mammals; File Nos. 14210 and 782–1719

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

**ACTION:** Notice; receipt of application and an application for amendment.

**SUMMARY:** Notice is hereby given that LGL Alaska Research Associates (Dr. Tamara McGuire, Principal Investigator), 1101 E. 76<sup>th</sup> Ave, Suite B, Anchorage, Alaska 99518 (File No. 14210), and the National Marine Mammal Laboratory (NMML), Alaska Fisheries Science Center (Dr. John L. Bengtson, Principal Investigator), 7600 Sand Point Way, NE., Seattle, Washington 98115–6349 (File No. 782–1719) have applied in due form for a permit and a permit amendment, respectively, to conduct research on the Cook Inlet stock of beluga whales (*Delphinapterus leucas*).

**DATES:** Written, telefaxed, or e-mail comments must be received on or before March 12, 2009.

**ADDRESSES:** The applications and related documents are available for review by selecting “Records Open for Public Comment” from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov/index.cfm>, and then selecting File No. 14210 or 782–1719 from the list of available applications.