

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 011806]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Issuance of permits 1185, 1280, 1440, and 1452.

SUMMARY: NMFS has issued permit 1185 to Natural Resource Scientists, Inc., permit 1280 to Turlock Irrigation District, permit 1440 to the Interagency Ecological Program, and permit 1452 to KDH Environmental Services.

ADDRESSES: Copies of the permit may be obtained from the Protected Resources Division, NMFS, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814, or e-mail your request to:

FRNpermits.sac@noaa.gov.

FOR FURTHER INFORMATION CONTACT:

Rosalie del Rosario at phone number 916-930-3614, or e-mail:

FRNpermits.sac@noaa.gov.

SUPPLEMENTARY INFORMATION: This notice is relevant to federally endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), threatened Central Valley steelhead (*O. mykiss*), threatened Central California Coast steelhead (*O. mykiss*), and/or proposed listed North American green sturgeon (*Acipenser medirostris*)

Permits

Permit 1185 was issued to Natural Resource Scientists, Inc. on February 4, 2005, authorizing capture (using rotary screw traps) and release of ESA-threatened adult and juvenile Central Valley steelhead in the Merced River. All lethal take is expected to be unintentional and Permit 1185 authorizes unintentional mortality associated with research activities not to exceed 5 percent of the captured ESA-listed fish (e.g., 1 adult and 1 juvenile Central Valley steelhead). The purpose of the study is to provide scientific data on outmigrating salmonids in the Merced River and to assess several ongoing fishery management programs. Permit 1185 expires on June 30, 2009.

Permit 1280 was issued to Turlock Irrigation District on September 15, 2005, authorizing capture (using seines, rotary screw traps, hook-and-line

angling, electrofishing and stranding surveys) and release of ESA-threatened adult and juvenile Central Valley steelhead in the lower Tuolumne River. All lethal take is expected to be unintentional and Permit 1280 authorizes unintentional mortality associated with research activities not to exceed 1 percent of the captured ESA-listed fish (e.g., 1 adult or 1 juvenile Central Valley steelhead). The purpose of the study is to monitor juvenile fall-run Chinook salmon density and distribution, steelhead life history, salmonid outmigration patterns, and assess predator populations in the lower Tuolumne River. Permit 1280 expires on December 31, 2010.

Permit 1440 was issued to the Interagency Ecological Program on December 1, 2005, authorizing take of ESA-listed Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, Central California Coast steelhead, and proposed listed North American green sturgeon, while conducting an interagency ecological monitoring program in the San Francisco Estuary, which includes the Sacramento-San Joaquin Delta. Permit 1440 authorizes the Interagency Ecological Program to take listed salmonids to conduct 15 fisheries-related studies to provide ecological information for use in the management of the Estuary. These include long-term monitoring projects and short-term projects to study the trends in abundance, distribution, and species interactions of resident and anadromous fishes and invertebrates. All lethal take is expected to be unintentional. From the salmonids that are captured or handled, potential lethal take should not exceed more than 8 percent adult and 10 percent juvenile Sacramento River winter-run Chinook salmon, 9 percent adult and 7 percent juvenile Central Valley spring-run Chinook salmon, 8 percent adult and 3 percent juvenile Central Valley steelhead, and 4 percent adult and sub-adult North American green sturgeon. No lethal take of Central California Coast steelhead is authorized. Permit 1440 expires on June 30, 2015.

Permit 1452 was issued to KDH Environmental Services on February 10, 2005, authorizing capture (by hook-and-line fishing) and release of ESA-threatened adult Central Valley steelhead in the lower Tuolumne River. All lethal take is expected to be unintentional and Permit 1452 authorizes unintentional mortality associated with research activities not to exceed 1 percent of the captured ESA-listed fish (e.g., 4 adult Central Valley

steelhead). The purpose of the study is to provide scientific data on the distribution and abundance of steelhead and rainbow trout in the Lower Tuolumne River. This information will be used to prepare a biological evaluation on the impacts of the New Don Pedro Project on Central Valley steelhead. Permit 1452 expires on December 31, 2008.

NMFS has determined that take levels authorized in the permits will not jeopardize listed salmon and steelhead nor result in the destruction or adverse modification of critical habitat where described.

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. 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: January 24, 2006.

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**

[I.D. 011806J]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of application for research permit 1558; request for comment.

SUMMARY: Notice is hereby given that NMFS has received an application for a permit for scientific research from William Mitchell, as principal investigator for Jones and Stokes, in Sacramento, CA. The permit would affect federally threatened Central Valley spring-run Chinook salmon and threatened Central Valley steelhead. This document serves to notify the

public of the availability of the permit application for review and comment.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on March 1, 2006.

ADDRESSES: Written comments on the permit application should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the Internet. The permit application and related documents for permit 1558 are available for review by appointment at: Protected Resources Division, NMFS, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814 (ph: 916-930-3604, fax: 916-930-3629). Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 3226 (301-713-1401).

FOR FURTHER INFORMATION CONTACT: Michael Tucker at phone number 916-930-3604, or e-mail:

FRNpermit.sac@noaa.gov

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531 1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals 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. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to federally threatened Central Valley spring-run Chinook salmon (*Oncorhynchus*

tshawytscha), and threatened Central Valley steelhead (*O. mykiss*).

Applications Received

William Mitchell of Jones and Stokes requests a 4 year-permit (1558) for take of juvenile Central Valley spring-run Chinook salmon and Central Valley steelhead in the Yuba River, California. The purpose of this study is to evaluate the effectiveness of specific flow reduction and fluctuation criteria that have been established for the lower Yuba River, by examining the levels of juvenile stranding and isolation, and redd dewatering that may occur as a result of flow fluctuations allowable under these new criteria. Take is expected to occur as a result of deliberate flow reductions that will be implemented for the specific purpose of studying the impacts of these reductions on juvenile salmonids. No field evaluations of redd dewatering are proposed. Instead, the potential for redd dewatering will be evaluated using a habitat modeling approach.

Quantitative estimates of total take are not possible given the size of the area to be affected (the entire lower Yuba River from Englebright Dam to the mouth), substantial annual variability in fish distribution and abundance, and unpredictable impacts to listed salmonids associated with the proposed flow reductions (the purpose of the study). Instead, annual take estimates are expressed in terms of the total area of river where stranding and other forms of take may occur during each phase of the study. Based on preliminary estimates, a maximum of 20 acres of off channel habitat and 151 acres of low gradient (<2 percent slope) bar habitat could be isolated orexposed during the maximum range of flow reductions that would be implemented as part of the study.

Dated: January 24, 2006.

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

Final Notice of Applicability of Special Use Permit Requirements to Certain Categories of Activities Conducted Within the National Marine Sanctuary System

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: On May 20, 2002 NOAA published a notice in the **Federal Register** announcing the applicability of the special use permit requirements (Section 310) of the National Marine Sanctuaries Act to certain categories of activities conducted within the National Marine Sanctuary System. The notice requested public comment on the subject of special use permits. This notice makes minor changes to the previously published list and responds generally to the comments received. Through this notice, NOAA is also expanding the list of activities subject to the requirements of special use permits by adding private overflights to the overflights category.

DATES: This notice is effective as of January 30, 2006. Comments on the addition of private overflights to the list must be received by March 31, 2006.

ADDRESSES: Submit all written comments to David Bizot, National Permit Coordinator, National Marine Sanctuary Program, 1305 East West Highway (N/ORM6), 11th floor, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: John Armor at (301) 713-3125.

SUPPLEMENTARY INFORMATION:

Background

Congress first granted NOAA the authority to issue special use permits for the conduct of specific activities in National Marine Sanctuaries (NMSs or sanctuaries) in the 1988 Amendments to the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*; NMSA) (Pub. L. 100-627). The NMSA allows NOAA to issue special use permits to establish conditions of access to and use of any sanctuary resource or to promote public use and understanding of a sanctuary resource. Since 1988, special use permits have been issued to persons conducting usually commercial (and usually revenue-generating), otherwise prohibited, activities in NMSs. Such activities have included a diving