

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined in the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any new collections of information other than those already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018-0094. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. For additional information concerning permit and associated requirements for endangered species, see 50 CFR 17.21 and 17.22.

Executive Order 13211

On May 18, 2001, the President issued an Executive Order (E.O. 13211) on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not expected to significantly affect energy supplies, distribution, or use. Although this rule is a significant regulatory action under Executive Order 12866, it is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

References Cited

A complete list of references cited herein is available upon request from the Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section).

Author

The primary author of this emergency rule is Christopher Warren of the Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 will read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. In § 17.11(h), add the following to the List of Endangered and Threatened Wildlife in alphabetical order under MAMMALS:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic Range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*	*	*
Rabbit, Columbia Basin pygmy.	<i>Brachylagus idahoensis</i> .	U.S.A. (Western conterminous States).	U.S.A. (WA—Douglas, Grant, Lincoln, Adams, Benton Counties).	E	NA	NA
*	*	*	*	*	*	*	*

Dated: November 21, 2001.

Marshall P. Jones, Jr.,

Acting Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 223 and 224**

[I.D. 111901A]

Exemption to No-entry Zone Around Chirikof Island, AK

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

ACTION: Notification of authorized exemption to the 3-nautical mile (nm) no-entry zone around Chirikof Island, AK.

SUMMARY: Pursuant to regulations under the Endangered Species Act, the Regional Administrator, Alaska Region, NMFS, is authorizing an exemption to the 3-nm, no-entry zone around Chirikof Island for the sole purpose of livestock removal by the U.S. Fish and Wildlife Service. Regulations allow an exemption to the no-entry zone, provided that the activity is authorized by the Regional Administrator, Alaska Region, NMFS, that the activity will not have a significant adverse effect on Steller sea lions, and that no readily available and acceptable alternative site exists for the activity.

SUPPLEMENTARY INFORMATION: On October 4, 2001, the U.S. Fish And

Wildlife Service (USFWS) requested an exemption under Federal regulations for the management of the Steller sea lions (at 50 CFR parts 223 and 224) to allow for passage through the 3-nm no-entry zone in the Southwest Anchorage of Chirikof Island to facilitate livestock removal. Chirikof Island is part of the Alaska Maritime National Wildlife Refuge. The USFWS is working cooperatively with a private consortium to remove unauthorized livestock from refuge lands on Chirikof Island to facilitate the natural recovery of the ecosystem health of the island after more than a century of livestock grazing. This activity is part of an overall effort to remove introduced animals, including cattle and feral foxes, from the island.

USFWS proposes to remove livestock over a 2-year period beginning in October 2001. All activities will occur

in areas outside the exclusion zones established for the listed Steller sea lion rookery, except at the Southwest Anchorage of the island, which is located several miles from, and out of sight of, the rookery. Therefore, the rookery should not be disturbed by this activity.

Regulations governing endangered species (50 CFR part 224) state that provisions in part 223 also apply to the endangered western stock of Steller sea

lions. Section 223.202 (b)(5) allows an exemption to the no-entry zone provided that the activity is authorized by the Regional Administrator, Alaska Region, NMFS, that the activity will not have a significant adverse effect on Steller sea lions, and that no readily available and acceptable alternative site exists for the activity. The Regional Administrator has determined that this activity will not adversely affect Steller sea lions. Therefore, NMFS granted an

exemption from the 3-nm no-entry restriction around Chirikof Island, AK for the removal of livestock and other appropriate feral wildlife by the USFWS. All other provisions included in 50 CFR 223.202 (a) apply.

Dated: November 23, 2001.

David Cottingham

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

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