

Determination, Secretariat File No. USA-CDA-2002-1904-03.

**SUMMARY:** Pursuant to the negotiated settlement between the United States and the Canadian Governments, the Extraordinary Challenge Committee review of the above noted case is terminated as of October 12, 2006. No Committee has been appointed to this panel review.

**FOR FURTHER INFORMATION CONTACT:**

Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Extraordinary Challenge Committees* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was requested pursuant to these Rules and terminated in accordance with the settlement agreement.

Dated: October 13, 2006.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.  
[FR Doc. E6-17352 Filed 10-17-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 100506D]

#### Notice of Intent to Prepare an Environmental Impact Statement for the Establishment of Annual Quotas for the Subsistence Harvest of Bowhead Whales by Alaska Natives

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

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS); announcement of public scoping period; request for written comments.

**SUMMARY:** NMFS announces its intent to prepare an EIS pursuant to the National Environmental Policy Act of 1969 (NEPA), in order to assess the impacts of issuing annual quotas for the subsistence harvest of bowhead whales by Alaska Natives from 2008 through 2017. Publication of this notice begins the official scoping period that will help identify issues and alternatives to be considered in the EIS. The scoping process will end December 15, 2006.

**ADDRESSES:** To request inclusion on a mailing list of persons interested in the EIS, please contact Steve Davis, NMFS, 222W 7th Avenue, Box 43, Anchorage, AK 99513. Comments on this notice and the scoping process for this action may be submitted by:

- Mail: P.O. Box 21668, Juneau, AK 99802-1668.
- Hand Delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK
- FAX: 907-586-7557
- Email: [bowhead-EIS@noaa.gov](mailto:bowhead-EIS@noaa.gov).

Include in the subject line the following document identifier: Bowhead Whale Quota EIS (Email comments, with or without attachments, are limited to five (5) megabytes).

**FOR FURTHER INFORMATION CONTACT:**

Steve Davis or Brad Smith, NMFS Alaska Region, Anchorage Field Office, (907) 271-5006.

**SUPPLEMENTARY INFORMATION:** NMFS is initiating this EIS process in order to comprehensively assess impacts of the subsistence harvest of Western Arctic bowhead whales by Alaska Natives from 2008 through 2017.

#### Background

Eskimos have hunted bowhead whales for over 2,000 years as the whales migrate in the spring and fall along the coast line of Alaska. Their traditional subsistence hunts for these whales have been regulated by a quota system under the authority of the International Whaling Commission (IWC) since 1977. Alaska Native subsistence hunters, from 10 northern Alaskan communities, take less than one percent of the stock of bowhead whales per year. Since 1977, the number of strikes has ranged between 14 and 72 animals per year, depending in part on changes in IWC management strategy due to higher estimates of bowhead whale abundance in recent years, as well as hunter efficiency. The IWC sets an overall aboriginal subsistence harvest

for this relevant stock, based on the request of Contracting Governments on behalf of the aboriginal hunters. In the case of Alaska Eskimo and Russian Native subsistence hunts, the United States and the Russian Federation make a joint request for a subsistence quota for bowhead whales to the IWC.

NMFS must annually publish aboriginal subsistence whale hunting quotas and any other limitations on such hunting in the **Federal Register** (50 CFR 230.6). The subsistence hunt is directly managed by the Alaska Eskimo Whaling Commission (AEWC). In order to comprehensively assess the effects of these annual quotas, NMFS is proposing to set the term of this analysis to extend over a 10-year period, beginning in 2008.

#### Alternatives

NMFS preliminarily anticipates four alternatives:

*Alternative 1:* Grant the AEWC annual quotas amounting to 510 landed whales over 10 years (2008 through 2017), with an annual strike quota of 67 bowhead whales per year, where no unused strikes are added to the quota for any one year.

*Alternative 2:* Grant the AEWC annual quotas amounting to 510 landed whales over 10 years (2008 through 2017), with an annual strike quota of 67 bowhead whales per year, where no more than 15 unused strikes are added to the strike quota for any one year.

*Alternative 3:* Grant the AEWC annual quotas amounting to 510 landed whales over 10 years (2008 through 2017), with an annual strike quota of 67 bowhead whales per year, where, for unused strikes, up to 50 percent of the annual strike limit is added to the strike quota for any one year.

*Alternative 4 (no action):* Do not grant the AEWC any annual quotas.

Major issues to be addressed in this EIS include: the impact of subsistence removals on the Western Arctic stock of bowhead whales; the impacts of these harvest levels on the traditional and cultural values of Alaska Natives, and the cumulative effects of the action when considered along with past, present, and future actions potentially affecting bowhead whales.

#### Public Involvement

We begin this NEPA process by soliciting input from the public and interested parties on the type of impacts to be considered in the EIS, the range of alternatives to be assessed, and any other pertinent information. Specifically, this scoping process is intended to accomplish the following objectives:

1. Invite affected Federal, state, and local agencies, Alaska Natives, and other interested persons to participate in the EIS process.

2. Determine the potential significant environmental issues to be analyzed in the EIS.

3. Identify and eliminate issues determined to be insignificant or addressed in other documents.

4. Allocate assignments among the lead agency and cooperating agencies regarding preparation of the EIS, including impact analysis and identification of mitigation measures.

5. Identify related environmental documents being prepared.

6. Identify other environmental review and consultation requirements.

The official scoping period is from the date of this notice until December 15, 2006.

Please visit NMFS Alaska Region web page at <http://www.fakr.noaa.gov> for more information on this EIS. NMFS estimates the draft EIS will be available in April 2007.

#### Authority

The preparation of the EIS for the subsistence harvest of Western Arctic bowhead whales by Alaska Natives will be conducted under the authority and in accordance with the requirements of NEPA, Council on Environmental Quality Regulations (40 CFR parts 1500–1508), other applicable Federal laws and regulations, and policies and procedures of NMFS for compliance with those regulations.

Dated: October 12, 2006.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. E6–17370 Filed 10–17–06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 101106H]

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

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

**ACTION:** Receipt of application for research permit and request for comment.

**SUMMARY:** Notice is hereby given that NMFS has received an application for a permit for scientific research from

Tenera Environmental in Lafayette, CA. (Permit 1583). 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*), and threatened Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris*). This document serves to notify the public of the availability of the permit applications for review and comment.

**DATES:** Written comments on the permit applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on November 17, 2006.

**ADDRESSES:** Written comments on the permit application should be sent to the appropriate office as indicated below. Comments may also be sent via e-mail to [FRNpermit.sac@noaa.gov](mailto:FRNpermit.sac@noaa.gov) or fax to the number indicated for the request. The application and related documents are available for review by appointment: Protected Resources Division, NMFS, 650 Capitol Mall, Suite 8–300, Sacramento, CA 95814 (ph: 916–930–3615, fax: 916–930–3629).

**FOR FURTHER INFORMATION CONTACT:** Russell Bellmer, Ph.D. at phone number 916–930–3615, or e-mail: [FRNpermit.sac@noaa.gov](mailto: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 endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), threatened Central Valley steelhead (*O. mykiss*), and threatened Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris*).

#### Applications Received

Tenera Environmental requests a one-year permit 1583 for an estimated take of 32 juvenile winter-run Chinook Salmon, 85 juvenile spring-run Chinook Salmon, and 6 juvenile Central Valley steelhead to fulfill the requirements of U.S. Environmental Protection Agency and provide current impingement data as requested by National Marine Fisheries Service, U.S. Fish and Wildlife Service, and California Department Fish and Game. Tenera Environmental requests authorization for an estimated total take of 123 juveniles (with 100 percent incidental mortality) resulting from rinsing all impinged material from the traveling screens into the screenwash sluiceways and directed by water flow and gravity into a collection container. Sampling will occur once every four hours for one 24-hour collection period per week for 12 consecutive months (312 samples) at the Contra Costa Power Plant (lat. 38° 01'12" N., long. 121° 45'36" W.) and Pittsburg Power Plant (lat. 38° 02'28" N., long. 121° 53'38" W.) located in the Suisun Bay of San Francisco Bay Delta. If any listed species are collected alive they will be immediately returned into Suisun Bay.

Individuals are measured and identified to species or race. Tenera Environmental will take a total of six juveniles of the threatened Southern Distinct Population Segment of North American green sturgeon (with 100 percent incidental mortality) resulting from capture and release of the fish.

Dated: October 12, 2006.

**Maria Boroja,**

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

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