

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****ENVIRONMENTAL PROTECTION AGENCY****Coastal Nonpoint Pollution Control Program: Proposed Findings Document, Environmental Assessment, and Findings of No Significant Impact**

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and The U.S. Environmental Protection Agency.

ACTION: Notice of availability of proposed findings document, environmental assessment, and findings of no significant impact on approval of coastal nonpoint pollution control program for Washington.

SUMMARY: Notice is hereby given of the availability of the Proposed Findings Document, Environmental Assessment (EA), and Finding of No Significant Impact for Washington. Coastal states and territories were required to submit their coastal nonpoint programs to the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) for approval in July 1995. The Findings documents were prepared by NOAA and EPA to provide the rationale for the agencies' decision to approve each state and territory coastal nonpoint pollution control program. Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. section 1455b, requires states and territories with coastal zone management programs that have received approval under section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint pollution control programs. The EA's were prepared by NOAA, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. sections 4321 *et seq.*, to assess the environmental impacts associated with the approval of the coastal nonpoint pollution control program submitted to NOAA and EPA by Washington.

NOAA and EPA have proposed to approve, with conditions, the coastal nonpoint pollution control program submitted by Washington. The requirements of 40 CFR Parts 1500–1508 (Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act) apply to the preparation of this Environmental Assessment. Specifically, 40 CFR section 1506.6 requires agencies to provide public

notice of the availability of environmental documents. This notice is part of NOAA's action to comply with this requirement.

Copies of the Proposed Findings Document, Environmental Assessment, and Findings of No Significant Impact may be obtained upon request from: Joseph P. Flanagan, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, tel. (301) 713–3121, x201.

DATES: Individuals or organizations wishing to submit comments on the proposed Findings or Environmental Assessment should do so by June 15, 1998.

ADDRESSES: Comments should be made to: Joseph A. Uravitch, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, tel. (301) 713–3155, x195.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: May 12, 1998.

John Oliver,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

Robert H. Wayland, III,

Director, Office of Wetlands, Oceans and Watersheds, Environmental Protection Agency.

[FR Doc. 98–13022 Filed 5–14–98; 8:45 am]

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

[I.D. 050798B]

Endangered Species; Permits

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

ACTION: Receipt of applications for a scientific research permit (1148) and for modifications to scientific research permits (1114, 1115); Issuance of scientific research permits (1059, 1072, 1088, 1102, 1119, 1130, 1131, 1133, 1136, 1137) and modifications to scientific research permits (1042, 1103)

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific

research and/or enhancement: NMFS has received a permit application from the Resource Enhancement and Utilization Technologies Division of the Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFSC) (1148); NMFS has received applications for modifications to existing permits from the Washington Department of Fish and Wildlife at Olympia, WA (WDFW) (1114) and Public Utility District No. 1 of Chelan County at Wenatchee, WA (PUD CC) (1115); NMFS has issued permits subject to certain conditions set forth therein, to: Carl Page (1059), U.S. Bureau of Reclamation at Shasta Lake, CA (BOR) (1072), Bureau of Land Management (BLM) (1088), Washington Department of Fish and Wildlife at Vancouver, WA (WDFW) (1102), U.S. Fish and Wildlife Service at Leavenworth, WA (FWS) (1119), the U.S. Geological Survey at Cook, WA (USGS) (1130), the Port of Portland at Portland, OR (POP) (1131), Andre M. Landry, of Texas A&M University (1133), the Oregon Cooperative Fishery and Wildlife Research Unit at Corvallis, OR (OCFWRU) (1136), and Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFSC) (1137); and NMFS has issued modifications to scientific research permits to William M. Kier Associates (WKA) (1042) and California Department of Forestry and Fire Protection (CDF) (1103).

DATES: Written comments or requests for a public hearing on any of the applications must be received on or before June 15, 1998.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

For permits 1102, 1114, 1115, 1119, 1130, 1131, 1136, 1137, and 1148: Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

For permits 1042, 1059, 1072, 1088, and 1103: Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404–6528 (707–575–6066).

For permit 1133: Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813–893–3141).

All 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: For permits 1102, 1130, 1131, 1136, 1137, and 1148: Robert Koch, Portland, OR (503–230–5424).

For permits 1114, 1115, and 1119: Tom Lichatowich, Portland, OR (503-230-5438).

For permits 1042, 1059, 1072, 1088, and 1103: Thomas Hablett, Protected Resources Division, (707-575-6066).

For permit 1133: Michelle Rogers, Endangered Species Division, Silver Spring, MD (301-713-1401)

SUPPLEMENTARY INFORMATION:

Authority

Permits are requested under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

Those individuals requesting a hearing on these requests for permits should set out the specific reasons why a hearing 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 below application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Issuance of these permits, modifications, and amendments, as required by the ESA, was based on a finding that such permits, modifications, and amendments: (1) Were 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. These permits, modifications, and amendments were also issued in accordance with and are subject to parts 217-222 of Title 50 CFR, the NMFS regulations governing listed species permits.

Species Covered in this Notice

The following species are covered in this notice: Chinook salmon (*Oncorhynchus tshawytscha*), Coho salmon (*Oncorhynchus kisutch*), Green sea turtle (*Chelonia mydas*), Hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempi*), Loggerhead sea turtle (*Caretta caretta*), Sockeye salmon (*Oncorhynchus nerka*), and Steelhead trout (*Oncorhynchus mykiss*).

New Application Received

NWFSC requests a 5-year permit (1148) for authorization to take adult and juvenile, endangered, artificially propagated, Snake River sockeye salmon to continue its captive broodstock responsibilities currently authorized

under Permit 1005 which expires on May 31, 1998. The captive broodstock program is a cooperative effort among the Idaho Department of Fish and Game (IDFG), NMFS, the Shoshone-Bannock Tribes, the University of Idaho, the Idaho Department of Environmental Quality, the Oregon Department of Fish and Wildlife (ODFW), and the Bonneville Power Administration (BPA). Funding is provided by BPA. The captive broodstock program is helping to preserve and perpetuate the species and will provide Snake River sockeye salmon for future recovery actions. NWFSC proposes to rear, maintain, breed, tag, and mark the fish, which will then be used to complement recovery efforts at Redfish, Pettit, and Alturas Lakes in Idaho.

Modification Requests Received

WDFW requests modification 1 to scientific research permit 1114. Permit 1114 authorizes a take of juvenile, endangered, naturally produced and artificially propagated, upper Columbia River (UCR) steelhead associated with a smolt monitoring program at Rock Island Dam on the Columbia River. For modification 1, WDFW requests authorization to take adult, endangered, UCR steelhead. WDFW proposes to collect adult fish in a permanent inclined screen trap, handle them to determine hatchery or wild origin, and release them. The information will be used to design operational measures to enhance adult passage survival at the dam. WDFW requests that Modification 1 be valid for the duration of the permit which expires on December 31, 2002.

PUD CC requests modification 1 to scientific research permit 1115. Permit 1115 authorizes a take of juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with two research studies. The purpose of the research is to evaluate the juvenile fish bypass system installed at Rocky Reach Dam, and to monitor juvenile fish gas bubble trauma at Rocky Reach and Rock Island Dams on the Columbia River. For modification 1, PUD CC requests authorization to take adult, endangered, UCR steelhead. PUD CC proposes to collect ESA-listed adult fish at a permanent bypass pipe at Rocky Reach Dam, handle them to determine hatchery or wild origin, and release them. The information will be used to design operational measures to enhance adult passage survival at the dam. PUD CC requests that Modification 1 be valid for the duration of the permit which expires on December 31, 2002.

Permits and Modifications Issued

Notice was published on November 17, 1997 (62 FR 61295), that an application had been filed by WKA for a modification to a scientific research permit. Modification 1 to permit 1042 was issued to WKA on May 5, 1998. Permit 1042 authorizes takes of adult and juvenile, threatened, central California coast (CCC) coho salmon associated with fish population and habitat studies throughout the Evolutionarily Significant Unit (ESU). ESA-listed fish may be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. Indirect mortalities are also authorized. The modification authorizes takes of juvenile, threatened, southern Oregon/northern California (SONCC) coho salmon associated with fish population and habitat studies throughout the California portion of the ESU. ESA-listed juvenile fish are proposed to be observed and counted. Modification 1 is valid for the duration of the permit which expires on June 30, 1999.

Notice was published on January 15, 1998 (63 FR 2364), that an application had been filed by Carl Page for a scientific research permit. Permit 1059 was issued on April 24, 1998. Permit 1059 authorizes Carl Page takes of adult and juvenile, threatened, SONCC coho salmon; adult and juvenile, threatened, CCC coho salmon; and adult and juvenile, endangered, southern California coast steelhead associated with fish population and habitat studies in coastal drainages throughout California. The studies consist of habitat and biological inventories, and project monitoring and evaluation studies for which ESA-listed fish will be taken. ESA-listed fish will be captured, anesthetized, handled (identified and measured), allowed to recover from the anesthetic, and released. Indirect mortalities associated with the research are also authorized. Permit 1059 expires on June 30, 2003.

Notice was published on January 15, 1998 (63 FR 2364), that an application had been filed by BOR for a scientific research permit. Permit 1072 was issued to BOR on May 4, 1998. Permit 1072 authorizes takes of adult and juvenile, threatened, SONCC coho salmon in California within the ESU. The studies consist of coho salmon distribution, abundance and spawner surveys for which ESA-listed fish are proposed to be taken. ESA-listed fish will be captured, anesthetized, handled (identified and measured), allowed to recover from the anesthetic, and released. ESA-listed salmon indirect

mortalities associated with the research are also authorized. Permit 1072 expires on June 30, 2003.

Notice was published on January 15, 1998 (63 FR 2364), that an application had been filed by BLM for a scientific research permit. Permit 1088 was issued to BLM on April 24, 1998. Permit 1088 authorizes BLM takes of adult and juvenile, threatened, SONCC coho salmon in California, associated with fish population and habitat studies in the Eel and Mattole River Basins, and Humboldt County coastal stream drainages within the ESU. The studies consist of coho salmon distribution, abundance and spawner surveys for which ESA-listed fish are proposed to be taken. ESA-listed fish will be captured, anesthetized, handled (identified and measured), allowed to recover from the anesthetic, and released. ESA-listed salmon indirect mortalities associated with the research are also authorized. Permit 1088 expires on June 30, 2003.

Notice was published on October 31, 1997 (62 FR 58942), and February 25, 1998 (63 FR 9505), that an application and an amendment to the application had been filed by WDFW for a scientific research permit. Permit 1102 was issued to WDFW on April 24, 1998. Permit 1102 authorizes WDFW an annual take of adult, endangered, UCR steelhead; adult, threatened, Snake River spring/summer chinook salmon; and adult, threatened, Snake River fall chinook salmon associated with two scientific research studies. The purpose of the research is to determine the number and timing of wild and hatchery steelhead adults that pass Bonneville Dam on the Columbia River, and to determine the genetic stock identification of anadromous adult fish harvested in Columbia River fisheries. Data will be used to determine the fishery impacts to ESA-listed stocks and if possible, to shape fisheries to reduce impacts to ESA-listed or depressed stocks while focusing harvest on healthy stocks. Permit 1102 expires on January 31, 2003.

Notice was published on November 5, 1997 (62 FR 59848), that an application had been filed by CDF for a modification to a scientific research permit. Modification 1 to permit 1103 was issued to CDF on April 24, 1998. Permit 1103 authorizes takes of juvenile, threatened, CCC coho salmon associated with fish population and habitat studies throughout the ESU. ESA-listed fish may be observed or captured, anesthetized, handled, allowed to recover from the anesthetic, and released. Indirect mortalities are also authorized. The modification authorizes

takes of juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies throughout the California portion of the ESU. ESA-listed juvenile fish are proposed to be observed and counted. Modification 1 is valid for the duration of the permit which expires on June 30, 2003.

Notice was published on March 2, 1998, (63 FR 10198), that an application had been filed by FWS for a 5-year scientific research permit. Permit 1119 was issued on May 4, 1998. Permit 1119 authorizes direct takes of juvenile fish released from Winthrop Hatchery. The FWS is authorized takes of adult and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with two scientific research studies. The purpose of the research is to gather data on emerging juvenile salmon and steelhead, and to conduct snorkel surveys in various watersheds as part of inventory and artificial structure monitoring projects. The data obtained from both studies will be used to determine the survival and contribution of ESA-listed steelhead and other unlisted salmonids released from FWS mitigation hatchery programs in central Washington and to provide technical assistance to agencies, tribes, and interest groups using and managing aquatic resources in the mid to upper-Columbia River Basin. Some ESA-listed juvenile fish will be captured with screw traps, handled, and released, and some adult and juvenile fish will be observed during snorkel surveys. Permit 1119 expires on December 31, 2002.

Notice was published on February 25, 1998 (63 FR 9505), that an application had been filed by USGS for a scientific research permit. Permit 1130 was issued to USGS on April 24, 1998. Permit 1130 authorizes USGS takes of juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; and juvenile, endangered, artificially propagated, upper Columbia River steelhead associated with research designed to determine the movement, distribution, and passage behavior of radio-tagged juvenile salmonids at Bonneville, The Dalles, and John Day Dams on the Columbia River. The results of the research will be used by the U.S. Army Corps of Engineers to assess fish passage efficiency at John Day and The Dalles Dams and to increase bypass efficiency for juvenile salmonids at the dams by effectively designing and positioning prototype surface bypass/collection

structures. Permit 1130 expires on December 31, 2002.

Notice was published on February 25, 1998 (63 FR 9505), that an application had been filed by POP for a scientific research permit. Permit 1131 was issued to POP on April 24, 1998. Permit 1131 authorizes POP takes of juvenile, endangered, Snake River sockeye salmon; adult and juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; adult and juvenile, threatened, Snake River fall chinook salmon; and adult and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with research designed to determine the presence and distribution of fish in shallow water habitats between the lower end of Hayden Island and the Sandy River delta on the Columbia River. Information will be used to: (1) develop a comprehensive management plan for the lower Columbia River in cooperation with the states of OR and WA, (2) prepare environmental impact assessments associated with shoreline development projects, and (3) design mitigation plans to compensate for the loss of shallow water habitat due to future shoreline development projects. Permit 1131 expires on January 31, 2000.

Notice was published on February 25, 1998 (63 FR 9505), that an application had been filed by Andre M. Landry, Texas A&M University, for a scientific research permit. Permit 1133 was issued on May 1, 1998. Permit 1133 authorizes the take of up to 200 Kemp's ridley, 20 hawksbill, 150 green, and 100 loggerhead turtles annually from locations within the Gulf of Mexico, primarily through the use of entanglement nets for the purpose of conducting studies on population status and recovery potential, habitat preference, movement and migration, foraging patterns, and impact of man's activities such as commercial and recreational fishing, dredging and habitat alteration/pollution. All captured turtles may be weighed, photographed, measured, blood sampled, and PIT and flipper tagged. Certain turtles may be radio, sonic and/or satellite tagged, and fecal and tissue sampled. Additionally, stomach lavage techniques may be deployed where necessary. Permit 1133 expires on January 31, 2003.

Notice was published on March 2, 1998 (63 FR 10198), that an application had been filed by OCFWRU for a scientific research permit. Permit 1136 was issued to OCFWRU on April 24, 1998. Permit 1136 authorizes OCFWRU annual takes of juvenile, endangered,

Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with research designed to compare biological and physiological indices of wild and hatchery juvenile fish exposed to stress from bypass, collection, and transportation activities at the dams on the Snake and Columbia Rivers. The purpose of the research is to determine effects of manmade structures and management activities on outmigrating salmonids and to provide information that can be used to improve their survival. Permit 1136 expires on December 31, 2000.

Notice was published on March 6, 1998 (63 FR 11220), that an application had been filed by NWFSC for a scientific research permit. Permit 1137 was issued to NWFSC on April 24, 1998. Permit 1137 authorizes NWFSC takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with four scientific research studies at hydropower dams on the Snake and Columbia Rivers in the Pacific Northwest. The purpose of the four studies are: To evaluate a prototype fish separator at Ice Harbor Dam; to establish biological design criteria for fish passage facilities at McNary Dam; to evaluate vertical barrier screens, outlet flow control devices, and methods of debris control at McNary and Little Goose Dams; and to evaluate extended-length bar screens at the first powerhouse of Bonneville Dam. Permit 1137 expires on December 31, 1998.

Dated: May 8, 1998.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.
[FR Doc. 98-12844 Filed 5-14-98; 8:45 am]

BILLING CODE 3510-22-F

COMMODITY FUTURES TRADING COMMISSION

New York Mercantile Exchange Proposed Specialist Market Maker Program

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed new rule and rule amendments of the New York Mercantile Exchange to establish a Specialist Market Maker program.

SUMMARY: The New York Mercantile Exchange ("NYMEX" or "Exchange") has submitted a proposed new rule and rule amendments that would establish a Specialist Market Maker ("SMM") program for certain new or low-volume futures contracts. The Exchange would appoint one SMM for each contract market that it determined would benefit from the SMM program. The SMM would be required to maintain a continuous physical presence on the floor of the Exchange throughout the regular trading session of the contract and to maintain a two-sided market in the contract for which he or she had been appointed. The SMM also would be required to maintain a limit order book of member and non-member (*i.e.*, customer) limit orders. In return for these services, the SMM would be paid a contract development fee and receive various priorities with respect to certain transactions executed in the trading ring for the appointed contract.

Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Trading and Markets ("Division") has determined to publish the NYMEX proposal for public comment. The Division believes that publication of the proposal is in the public interest and will assist the Commission in considering the views of interested persons.

DATE: Comments must be received on or before June 15, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas Smith, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5495; or electronic mail: tsmith@cftc.gov.

SUPPLEMENTARY INFORMATION:

I. Description of Proposed SMM Program

A. Introduction

By letter dated April 16, 1998, NYMEX submitted proposed new Rule 6.45 ("Specialist Market Maker Program") and proposed amendments to Rule 6.43A ("Broker Registration Requirements") pursuant to Section 5a(a)(12)(A) of the Commodity Exchange Act ("Act") and Commission Regulation 1.41(c). The proposed new rule and rule amendments would establish an SMM program for certain new or low-volume futures contracts. The SMM program is intended to provide liquidity for new or

illiquid markets and would be terminated once the contract obtained a predetermined trading volume. The SMM program is patterned after a market maker program at the Chicago Mercantile Exchange that was previously approved by the Commission on April 20, 1995.

NYMEX intends to implement the SMM program in the Cinergy Electricity and Entergy Electricity futures contracts, which were approved by the Commission for trading on March 23, 1998. NYMEX anticipates listing the two new electricity futures contracts for trading within the next few months. The SMM program may be extended to other new or low-volume futures contracts at a later date.

B. SMM Eligibility Criteria

Applications for SMM positions would be accepted from members and member firms. Applications also would be accepted from individuals and firms that were not members or member firms. Appointment as an SMM could not occur however, until the individual or firm had been approved by the NYMEX Board of Directors as a member or member firm.

NYMEX would establish a new Exchange Committee, the Specialist Review Committee ("SRC"). The SRC would assess each SMM applicant's financial resources, operational capabilities, trading experience, regulatory history, and ability and willingness to promote NYMEX as a marketplace and would report its findings to the Board of Directors. Prospective SMM applicants also would need to demonstrate that they have the ability to provide multiple qualified personnel with the capability to perform the defined SMM obligations and have working capital in excess of \$500,000. The Board of Directors would make the final decision as to which applicants to appoint as SMMs.

Only one SMM would be appointed for each contract market eligible for the SMM program. The Board of Directors, however, may appoint a member or member firm as an SMM for more than one contract market.

For any market for which an SMM has been appointed, the Exchange would issue an SMM trading permit to the SMM. The permit would allow the member or member firm to perform the SMM functions without incurring the cost of dedicating a membership for use in that designated futures contract. Thus, for example, if a member firm with two full NYMEX memberships were appointed an SMM in a new contract, the member firm would be permitted to act as the SMM for the new