

decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (Sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: August 4, 1998.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 98-21284 Filed 8-7-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072998A]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Highly Migratory Species Advisory Subpanel (HMSAS) will hold a public meeting.

DATES: The HMSAS meeting will be held on Friday, September 4, 1998, in Long Beach, CA, at 10:00 a.m. and will continue until business is completed that day.

ADDRESSES: The meeting will be held at NMFS Southwest Regional Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Six, telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the HMSAS meeting is to discuss current issues related to highly migratory species in the Pacific Ocean, and in particular coordinated management in the U.S. Exclusive Economic Zone.

Although other issues not contained in this agenda may come before the Subpanel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids

should be directed to Mr. John Rhoton (503) 326-6352 at least 5 days prior to the meeting date.

Dated: August 3, 1998.

Bruce C. Morehead,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071798E]

Endangered Species; Permits

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

ACTION: Receipt of an application for an incidental take permit (NMFS permit #1168).

SUMMARY: Notice is hereby given that the Washington Department of Natural Resources at Olympia, WA (WDNR) has applied in due form for a permit that would authorize incidental take of threatened Lower Columbia River (LCR) steelhead (*Oncorhynchus mykiss*) associated with timber management activities in western Washington state. This request is pursuant to the unlisted species provisions of the Implementation Agreement for the WDNR Habitat Conservation Plan.

DATES: Written comments or requests for a public hearing on the application must be received on or before September 9, 1998.

ADDRESSES: The application, documents cited in this notice, and comments received are available for review, by appointment, at:

Washington Habitat Conservation Branch, 510 Desmond Drive SE, Suite 103, Lacey, WA 98503 (360-753-6054).

FOR FURTHER INFORMATION CONTACT: Mr. Steve Landino, Chief Washington Habitat Conservation Branch, Lacey, WA (360-753-6054).

SUPPLEMENTARY INFORMATION: WDNR requests a permit 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).

To date, protective regulations for threatened lower Columbia River steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of an application requesting a *permit for the incidental* take of this species is issued as a

precaution in the event that NMFS issues protective regulations that prohibit takes of lower Columbia River steelhead. The initiation of a 30-day public comment period on the application, including its proposed take of lower Columbia River steelhead, does not presuppose the contents of the eventual protective regulations. Those individuals requesting a hearing on the above application 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.

Background

In April of 1996, NMFS and the U.S. Fish and Wildlife Service (together the Services) received a completed Habitat Conservation Plan (HCP) application package from WDNR. The distribution to interested parties was initiated and a **Federal Register** notice was published on April 5, 1996 (61 FR 15297) which announced the release of the draft HCP and Implementing Agreement (IA), the U.S. Fish and Wildlife Service incidental take permit application, and the draft Environmental Impact Statement (EIS) to the public. The comment period closed on May 20, 1996.

The Services addressed concerns raised about the HCP and discussed alternative approaches with WDNR. Upon completion of these discussions, and after addressing the public comments, the Services and WDNR prepared a final EIS, including sections highlighting the changes made to the HCP and IA. The Notice of Availability of a final EIS was published in the November 1, 1996 **Federal Register** (61 FR 56563) with the 30-day waiting period ending on December 2, 1996. The U.S. Fish and Wildlife Service's incidental take permit (PRT-812521) was issued on January 30, 1997 (62 FR 8980).

LCR steelhead were listed as threatened under the ESA on March 19, 1998 (63 FR 13347). WDNR requests a 50-year permit (NMFS permit #1168) from NMFS that would authorize incidental take of threatened LCR steelhead associated with timber management activities in western Washington consistent with WDNR's HCP. The purpose of this notice is to seek public comment on WDNR's request for an incidental take permit.

Implementation Agreement Provisions

The IA is a legal document describing the roles and responsibilities of NMFS and WDNR during the proposed permit period. WDNR's IA contains provisions

for those unlisted anadromous fish species that may occur within the Olympic Experimental State Forest and the five West Side Planning Units of the HCP. According to the IA on page B.12 of the HCP in Section 25.1 (b), should any of those species that were unlisted at the time of finalization of the HCP become listed under the ESA, WDNR may request an incidental take permit that would authorize take of the listed anadromous species from NMFS, or in the case where NMFS has already issued a permit, an addition of the new species to the existing incidental take permit. NMFS would then make a decision on issuance of the permit or permit amendment without requiring additional mitigation, unless, within a specified sixty-day period, NMFS demonstrates that extraordinary circumstances exist.

Prior to the issuance of an incidental take permit for take of LCR steelhead to WDNR for timber management activities in western Washington, NMFS will determine if extraordinary circumstances exist and will also reinstate the section 7 process to determine whether issuance of the permit would appreciably reduce the likelihood of the survival and recovery of LCR steelhead or any other species.

LCR Steelhead Requirements and New Information

NMFS is currently reviewing information about LCR steelhead to determine whether extraordinary circumstances exist and/or whether issuance of an incidental take permit to WDNR would appreciably reduce the ability of LCR steelhead to survive and recover in the wild. Information collected as part of the LCR steelhead listing determination process is also being used to make the permit issuance decision. This information is available for review at the address listed above.

The LCR steelhead Evolutionarily Significant Unit (ESU) occupies tributaries to the Columbia River between the Cowlitz and Wind Rivers in Washington, inclusive, and the Willamette and Hood Rivers in Oregon, inclusive. Excluded are steelhead in the upper Willamette River Basin above Willamette Falls, and steelhead from the Little and Big White Salmon Rivers in Washington. Hatchery populations considered part of this ESU include late-spawning Cowlitz Trout Hatchery stock (winter-run). LCR steelhead occur within WDNR's Columbia Westside Planning Unit.

Steelhead exhibit perhaps the most complex suite of life history traits of any species of Pacific salmonid. They can be anadromous or freshwater resident.

Resident forms are usually called rainbow trout. Those that are anadromous can spend up to seven years in freshwater prior to smoltification, and then spend up to three years in saltwater prior to first spawning.

While most species of salmonids die after spawning, steelhead trout may spawn more than once. Most spawning in Washington streams typically stretches from December through June. Adult steelhead spawn in gravel in both mainstem rivers and tributaries. Steelhead eggs may incubate in stream gravel for 1.5–4 months, depending on water temperature, before hatching. Following emergence from the gravel, juveniles rear in freshwater from one to four years (usually two years), then migrate to the ocean. In the marine environment they typically rear for 1–3 years prior to returning to their natal stream to spawn primarily as three-four year olds.

Historic adverse impacts to steelhead from forest management and related land-use activities included removal of large woody debris from streams and riparian areas, inputs of sediment from upslope logging and road construction, elevated stream temperatures, and transportation of logs within the channel network.

Minimization and Mitigation Measures

WDNR's Habitat Conservation Plan utilizes a combination of conservation measures that are expected to protect steelhead and other anadromous fish species. The riparian conservation strategy defines a riparian management zone consisting of an inner riparian buffer and an outer wind buffer where needed. The principal function of the riparian buffer is protection of salmonid habitat; the principal function of the wind buffer is the protection of the riparian buffer. All fishbearing streams (Washington State Type 1 through 3 waters) receive a conservatively managed buffer equal in width (measured horizontally from the 100-year floodplain) to a site-potential tree height (derived from 100-year site-index curves) or 100 feet, whichever is greater. This prescription should result in average riparian buffer widths between 150 and 160 feet. Non-fishbearing Type 4 streams receive a 100-foot buffer. No harvest will be allowed in the first 25 feet of the riparian buffer. An outer wind buffer will be applied on all fishbearing streams in areas that are prone to windthrow. For Type 1 and 2 waters, a 100 foot wind buffer is placed along the windward side, and Type 3 waters greater than 5 feet in width have a 50 foot wind buffer along the

windward side. Additional information can be found in the HCP at pages IV. 56–59.

The management of these buffers is yet to be determined by scientific working groups which include NMFS participation and participation by outside scientists from the Tribes and Universities. Side-boards for these discussions are described in the HCP on pages IV. 59–61. In the interim, and in the case no agreement is reached by the scientific working groups, interim standards and default standards for percent volume removal during a one-time-per-rotation entry are described in the HCP on pages IV. 61–62. In general, these standards allow between 10 and 25 percent removal of existing volume with greater removal of hardwoods and of trees further from the stream; and less removal of conifers and trees closer to the stream. Only restoration activities would occur in the first 25 feet, while wind buffers could have 50 percent volume removal.

Inner gorges and mass-wasting areas are protected by unstable hillslope and mass wasting protection provisions of the HCP (IV. 62) and it is expected that 50 percent of the seasonal streams (Type 5) will be protected as a result of the mass-wasting protection provisions. The other 50 percent of Type 5 streams receive interim protections as necessary and will be addressed within the Type 5 research and adaptive-management component to be completed within the first 10 years of the HCP. Watershed Analysis can only increase (not decrease) the level of protection these streams receive. Road management is another critical component of WDNR's HCP (HCP IV. 62–68).

These minimization and mitigation measures described above represent the minimum level of riparian conservation that WDNR has committed to implement. Several aspects of the HCP, including riparian protection, are subject to adaptive management. To ensure that the mitigation and minimization strategies are effective, the HCP incorporates a variety of aquatic monitoring components that will provide feedback for adaptive management, and if needed, increases in the mitigation for riparian protection. A scientific working group is also addressing the exact nature of the monitoring component within the side-boards established in the HCP (V. 1–9).

Dated: August 3, 1998.

Patricia A. Montanio,
Deputy Director, Office of Protected Resources, National Marine Fisheries Service.
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