

state and Federal fisheries through their own public notification systems.

This action contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA), and which have been approved by OMB under control number 0648-0433. The public reporting burden for providing notifications if landing area restrictions cannot be met, or to obtain temporary mooring in Brookings, OR is estimated to average 15 minutes per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (*see ADDRESSES*).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

Since 1989, NMFS has listed 16 ESUs of salmon on the West Coast. As the listings have occurred, NMFS has conducted formal ESA section 7 consultations and issued biological opinions, and made determinations under section 4(d) of the ESA (Table 1), that consider the impacts to listed salmon species resulting from proposed implementation of the Salmon FMP, or in some cases, from proposed implementation of the annual management measures.

TABLE 1.—NMFS' ENDANGERED SPECIES ACT CONSULTATIONS AND SECTION 4(D) DETERMINATIONS RELATED TO OCEAN FISHERIES IMPLEMENTED UNDER THE SALMON FMP AND DURATION OF THE PROPOSED ACTION COVERED BY EACH

Date	Evolutionarily significant unit covered and effective period
March 8, 1996 ..	Snake River chinook and sockeye (until reinitiated).
April 28, 1999 ...	Oregon coast coho, S. Oregon/ N. California coast coho, Central California coast coho (until reinitiated).
April 28, 2000 ...	Central Valley spring chinook and California coast chinook (until reinitiated).

TABLE 1.—NMFS' ENDANGERED SPECIES ACT CONSULTATIONS AND SECTION 4(D) DETERMINATIONS RELATED TO OCEAN FISHERIES IMPLEMENTED UNDER THE SALMON FMP AND DURATION OF THE PROPOSED ACTION COVERED BY EACH—Continued

Date	Evolutionarily significant unit covered and effective period
April 27, 2001 ...	Hood Canal summer chum 4(d) limit and associated biological opinion (until reinitiated).
April 30, 2001 ...	Lower Columbia River chinook, Upper Willamette River chinook, Upper Columbia River spring chinook, Ozette Lake sockeye, ten steelhead ESUs, Columbia River chum (until reinitiated).
April 29, 2002 ...	Sacramento River winter chinook (2 years).
Estimated approval in May, 2003.	Puget Sound chinook 4(d) limit and associated biological opinion (1 year).

Associated with the biological opinions are incidental take statements that specify the expected level of take. If the fisheries are conducted in accordance with the statement's terms and conditions the take is exempted from the section 9 prohibitions of the ESA. Some of the biological opinions have concluded that implementation of the Salmon FMP is not likely to jeopardize the continued existence of certain listed ESUs. Other biological opinions have found that implementation of the Salmon FMP is likely to jeopardize certain listed ESUs and have identified reasonable and prudent alternatives (consultation standards) that would avoid the likelihood of jeopardizing the continued existence of the ESU under consideration.

In a March 7, 2003, letter to the Council, NMFS provided the Council with ESA consultation standards and guidance for the management of stocks listed under the ESA. These management measures meet those standards.

For the Puget Sound chinook, NMFS is now completing its final review of a RMP for the 2003 fisheries submitted by the WDFW and Puget Sound Treaty Tribes under the ESA 4(d) rule. The state and tribes manage their Council-area and inside Puget Sound fisheries as a package in coordination with the Council and NMFS to ensure that all impacts are accounted for and that conservation constraints are met. NMFS

has determined that the management measures for the ocean salmon fisheries are consistent with the State and Tribal RMP, and preliminarily that the RMP is consistent with the 4(d) rule. NMFS plans to complete the final determinations on the RMP, and the associated biological opinion before the end of May.

Pending completion of the biological opinion on Puget Sound chinook that will cover the ocean fishery, NMFS has concluded, pursuant to ESA section 7(d), that impacts associated with Council fisheries expected to occur before the end of May would not constitute an irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative. Impacts are expected to occur in the May fisheries are quite limited and well within the population-specific impact limits that NMFS provided to the Council as part of their guidance on ESA harvest limits. As a result, in the unlikely event that additional conservation measures were to be needed, NMFS would have sufficient flexibility to adjust fisheries, if necessary, as the consultation process is completed.

The Council's recommended management measures are consistent with the biological opinions that find no jeopardy, the reasonable and prudent alternatives in the jeopardy biological opinions, and the terms of the State and Tribal RMPs.

**Authority:** 16 U.S.C. 773-773k; 1801 *et seq.*

Dated: April 30, 2003.

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