

have at times delayed and frustrated active land management activities. As part of the initiative, the agencies were tasked with streamlining the section 7 consultation process for projects implementing the NFP.

The Action Agencies published a proposed rule to establish Joint Counterpart Endangered Species Act section 7 regulations on June 5, 2003 (68 FR 33805). The proposed counterpart regulations, authorized in general at 50 CFR 402.04, will provide an optional alternative to the existing section 7 consultation process described in 50 CFR part 402, subparts A and B. The counterpart regulations complement the general consultation regulations in part 402 by providing an alternative process

for completing section 7 consultation for agency projects that authorize, fund, or carry out actions that support the NFP.

In the Environmental Assessment, we considered three alternatives that would streamline the consultation process. The Memorandum of Understanding/ Programmatic consultation alternative was eliminated from further consideration. The no action alternative would keep the current section 7 consultation process in place. The preferred alternative is to finalize the proposed counterpart regulation. The proposed action is to establish an alternative consultation process that would eliminate the need to conduct informal consultation and eliminate the requirement to obtain written

concurrence from the applicable Service for those NFP actions that the Action Agency determines are “not likely to adversely affect” (NLAA) any listed species or designated critical habitat.

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 3, 2003.

**Julie MacDonald,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

Dated: October 3, 2003.

**William T. Hogarth,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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