Attachment 1



**Administrative Procedure Act/ Regulatory Flexibility Act**

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

**Paperwork Reduction Act**

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, CD–346, and SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0605–0001, and 0348–0046.

Notwithstanding any other provision of 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 Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

Dated: August 25, 2003.

**Ronald N. Langston,**

*National Director, Minority Business Development Agency.*

[FR Doc. 03–22132 Filed 8–28–03; 8:45 am]

**BILLING CODE 3510–21–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 082103B]**

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

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

**ACTION:** Notice of availability and request for comment.

**SUMMARY:** Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has submitted a Fisheries Management and Evaluation Plan (FMEP) pursuant to the protective regulations promulgated for Oregon Coast coho salmon under the Endangered Species Act (ESA). The FMEP proposes a fishery for coho salmon in Siltcoos and Tahkenitch Lakes, located along the Oregon Coast. This document serves to notify the public of the availability of the FMEP for review and comment before a final approval or disapproval is made by NMFS.

**DATES:** Written comments on the draft FMEPs must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on September 29, 2003.

**ADDRESSES:** Written comments and requests for copies of the draft FMEP should be addressed to Lance Kruzic, NMFS, 2900 NW Stewart Parkway, Roseburg, OR 97470 or faxed to (541) 957–3386. The document is also available on the internet at http://www.nwr.noaa.gov/. Comments will not be accepted if submitted via e-mail or the internet.

**FOR FURTHER INFORMATION CONTACT:** Lance Kruzic, Roseburg, OR, at phone number (541) 957–3381, or e-mail: *lance.kruzic@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** This notice is relevant to the Oregon Coast coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit (ESU).

**Background**

ODFW has submitted to NMFS an FMEP for a recreational fishery for coho salmon returning to Siltcoos and Tahkenitch Lakes, located south of Florence, Oregon, in years when returns of coho salmon are high and expected to exceed specified spawning escapement guidelines. The objectives of the FMEP are to provide some fishing opportunity in years when coho salmon returns are high and in a manner that does not affect the viability of the local coho population and the Oregon Coast ESU as a whole. The FMEP specifies the monitoring and evaluation tasks for the proposed fishery.

**Authority**

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule will not apply to activities associated with fishery harvest provided that those fisheries are managed in accordance with an FMEP that has been approved by NMFS and implemented in accordance with a letter of concurrence from NMFS.

As specified in § 223.203 (b)(4) of the ESA 4(d) Rule, NMFS may approve an FMEP if it ¶meets criteria set forth in § 223.203 (b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and comment.

Dated: August 26, 2003.

**Susan Pultz,**

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

[FR Doc. 03–22184 Filed 8–28–03; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 082503I]**

### New England Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Social Sciences Advisory Committee in September, 2003 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Monday, September 15, 2003 at 10 a.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn Express, 110 Middle Street, Fairhaven, MA 02719; telephone: (508) 997–1281.

*Council address*: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:** The Social Science Advisory Committee will review the analyses of economic and social impacts, including community impacts in the Draft Environmental Impact Statement for Amendment 2 to the Monkfish Fishery Management Plan. The Committee will also discuss progress on developing a clearinghouse for social and economic data and a workshop to further the development of social and economic analyses of fishery management actions.

**Subject: Request for public comment- Coastal Lakes Coho Fishery**
**Date:** Tue, 02 Sep 2003 11:58:08 -0700
**From:** Lance Kruzic <lance.kruzic@noaa.gov>
**To:** Lance Kruzic <Lance.Kruzic@noaa.gov>
**CC:** Bob Buckman <Robert.C.Buckman@state.or.us>, Rob Jones <Rob.Jones@noaa.gov>
**BCC:**

Undisclosed list of recipients to protect personal email addresses

You are receiving this email because you are involved or have been interested in the future management of recreational fisheries that may affect coho salmon listed under the Endangered Species Act along the Oregon Coast.

The Oregon Department of Fish and Wildlife has submitted to National Marine Fisheries Service a proposal for a wild coho salmon fishery in Tahkenitch and Siltcoos Lakes, located south of Florence on the Oregon Coast, in years when adult returns are high and exceed specified guidelines. This "Fisheries Management and Evaluation Plan" (FMEP) is now available for public review and comment as required under the 4(d) Rule.

Attached is ODFW's FMEP and the Federal Register Notice with further information on where to send comments. The deadline for submitting comments on this fishery plan is September 29, 2003. These documents are also available at the following website: http://www.nwr.noaa.gov/1fmep/fmepsbmt.htm

If you need a hard copy of the documents sent to you, please reply to this email with your mailing address.

Thanks for your interest in Oregon Coast coho salmon.

Sincerely,
Lance Kruzic

| | |
|---|---|
| OCcohoFMEP_publicreview.pdf | **Name:** OCcohoFMEP_publicreview.pdf<br>**Type:** Acrobat (application/pdf)<br>**Encoding:** base64 |

| | |
|---|---|
| ORCoast_cohoNOR.pdf | **Name:** ORCoast_cohoNOR.pdf<br>**Type:** Acrobat (application/pdf)<br>**Encoding:** base64 |

Attachment 2

Oregon, The Wilson, Kilchis, Trask, Nestucca, Nehalem, Columbia River, Washington tributaries of the lower Columbia

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| Author | Topic: Wild Coho Fishery on Siltcoos and Tahkenitch |
|---|---|

**DepoeBayDan**
Chromer
Member # 4176

posted 09-06-2003 01:55 AM

Yes that's right, there could be a fishery on wild coho this fall/winter at Siltcoos and Tahkenitch lakes between October 1rst and December 31rst. The original proposal was for Tenmile Lake also but I believe a little political backlash from some Tenmile Lake's property owners killed that.

The proposal for the fisheries is biologically sound as you will see in the NOAA report up for public review currently. I endorsed this proposal at a commission meeting back in March of this year based on the stat's and science I have been following on our coastal wild coho in the lake systems and other coastal streams.

As you can see in the NOAA public review draft the proposed fishery would be closely monitored and if the modest acceptable harvest of coho is being reached during the time period the fishery would be closed. This fishery would not affect any other coastal coho stocks along the Oregon coast.

I would encourage you to read the NOAA public review draft and if you think this would be a good opportunity for fishermen to follow through and write:
Lance Kruzic
Salmon Recovery Division

2900 N.W. Stewart Parkway
Roseburg, OR 97470
email: lance.kruzic@noaa.gov
phone: 541/957-3381
fax: 541/957-3386

The report is located here:

**http://www.nwr.noaa.gov/1fmep/fmepsbmt.htm**

My presentation to the commission back in March this year:

Good afternoon,

My name is Dan Dettmann and my address is: Po Box 962, Depoe Bay, Oregon 97341. I am a sport fisherman and a wholesale tackle manufacturer, and write some articles for a local newspaper.
I appreciate the opportunity to speak to you this afternoon.

I am here today to talk about the possibility of a wild coho harvest this fall in Siltcoos, Tahkenitch & Tenmile Lakes. According to a recent article in the Oregonian, ODFW biologists think those coho stocks are doing well enough to justify a modest sport consumptive harvest. I understand the dept. and the commission will deal with the proposal at a later meeting. I want to take the opportunity to strongly endorse their proposal while you are here in Newport.

I am a fisherman with my favorite fishery being fall fishing for coho salmon. Due to the limited fisheries on the Oregon Coast Rivers for coho, I spend most of my time chasing coho's in SW Washington.

I have been an out spoken wild coho advocate for the past nine years since I have been seeking answers from ODFW & WDFW biologist and on the web.

I have observed over the years how the coastal lakes have been holding there own even during the severe El 'Nino years of the early and mid 90's and the devastating '96 flood.

I would agree with the biologist assessments that a small modest harvest that is biologically sound would be a great benefit to sports fishermen. Given this day and age where fisheries and elbow room are limited on the rivers, I feel it would create beneficial opportunities to sports fishermen.

**Posts: 1433** | From: Depoe Bay Oregon | Registered: Jan 2003

posted 09-06-2003 09:53 AM

**David Johnson**
Ifish Nate
Member # 572

I have heard that Siltcoos Lake was once the most healthy coho run in the state, before development and warm water fish.

That lake was one huge nursery for the young after they migrated out of their streams. Not unlike sockeye use a lake in northern locations.

---

**Booking Coastal Fall Chinook-Don't be left out!**

**www.davidjohnsonfishing.com**

**fishermand@aol.com**

**Keep up to date with my fishing reports, linked here!**

**Posts: 1714** | From: Clackamas, Oregon | Registered: Nov 2000

**DepoeBayDan**
Chromer
Member # 4176

posted 09-06-2003 10:25 AM

Hello Dave. Hope to fish with you on the Cowlitz this year on your many days off.

I wasn't aware of Siltcoos once being the most healthy but that doesn't surprise me much because as you said they and the other lakes are excellent rearing habitat for coho as it is in the sockeye senario. There is a lot of competition and predation on the wild coho with the illegal introduction of all the warm water species that have been put into these lakes. Yellow perch, brown bullhead catfish, bluegill, largemouth bass and more recently crappie. Did I miss any? But the populations have been stable and healthy considering.

I believe the habitat is in good shape. These fish didn't take the big hit the rest of the wild coho did coast wide from the devestating February '96 flood I'm sure because of the lakes for them to seek refuge during that flood.

Dan

**Posts: 1433** | From: Depoe Bay Oregon | Registered: Jan 2003

**David Johnson**
Ifish Nate
Member # 572

posted 09-06-2003 10:59 AM

And isn't the state record coho from Siltcoos? I think it is.

If they are in healthy shape it's the same as fishing for wild fall chinook.

---

**Booking Coastal Fall Chinook-Don't be left out!**

**www.davidjohnsonfishing.com**

**fishermand@aol.com**

**Keep up to date with my fishing reports, linked here!**

**Posts: 1714** | From: Clackamas, Oregon | Registered: Nov 2000

**Smj**
Steelhead
Member # 332

posted 09-07-2003 05:02 AM

Oh, that's just great! The one place the wife and I go to relax and get away from the hubub of the salmon/steelhead big river fisherys and now your telling me that soon i'll have to deal with the same bunch of rabid salmo fishermen I've been dealing with since the end of February??? (Myself included of course!)

Just kidding.... I think.

We've been going to Siltcoos this time of year since just before they closed the lake to the

take of coho. Last year on our trip we caught (and released carefuly as possible) more of what I beleive to be coho smolts than ever before, while fishing for perch. One thing that is disturbing though is that last year we also caught more pike minnows than the two previous years, and I don't beleive we caught pike minnow in there three years and more ago. They weren't very big, maybe 6" tops.

Smj

**Posts: 346** | From: Portland OR. | Registered: Aug 2000

posted 09-07-2003 06:27 AM

**GutshotApe**
Ifish Nate
Member # 3049

As you know smj, Siltcoos is a big lake. In previous years most of the coho trollers stayed close to the outlet...although not all do. I used to live on the hill overlooking the lake and hunted ducks there a lot...and I remember one day while the coho fishery was on...three guys in a pontoon party-type boat trolled right past the edge of my decoy spread...guess my camo was so good they couldn't see me.

As for squawfish (NPM is a PC term and is not in my vocabulary ), I wouldn't worry too much. They are a problem in the unnatural reservoir conditions on the Columbia River...but Siltcoos Lk always had squawfish, always will, and there probably aren't any more now than there ever were.

---

Cogito cogito ergo cogito sum.....A.Bierce

**Posts: 1933** | From: Junction City | Registered: Aug 2002

TOPIC | POLL | REPLY | C | F | D | m

**Printer-friendly view of this topic**

**Cast To:** Ifish Community Go Fish!



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Attachment 3

# United States Department of the Interior

**FISH AND WILDLIFE SERVICE**
**Oregon Fish and Wildlife Office**
**2600 SE 98th Avenue, Suite 100**
**Portland, Oregon 97266**
**Phone: (503) 231-6179 FAX: (503) 231-6195**

TAKE PRIDE IN AMERICA

Reply To: 8330.06061(03)
File Name: Sp0606.wpd
TS Number: 03-5128

Lance Kruzic
NOAA Fisheries
2900 NW Stewart Parkway
Roseburg, Oregon 97470

Subject: Siltcoos & Tahkenitch Lakes Coho Salmon Fishery Project
USFWS Reference # (1-7-03-SP-0606)

Dear Mr. Kruzic:

This is in response to your Species List Request Form, dated August 25, 2003, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Siltcoos & Tahkenitch Lakes Coho Salmon Fishery Project in Lane County. The Fish and Wildlife Service (Service) received your correspondence on August 25, 2003.

We have enclosed a list (Enclosure A) of threatened and endangered species that may occur within the area of the Siltcoos & Tahkenitch Lakes Coho Salmon Fishery Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). National Marine Fisheries Service (NMFS) requirements under the Act are outlined in Enclosure B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, NMFS is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Enclosure B, as well as 50 CFR 402.12.

If NMFS determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, NMFS is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

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Enclosure A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published June 13, 2002, in the Federal Register (Vol. 67, No. 114, 40657) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, NMFS is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends addressing potential impacts to these species in order to prevent future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, NMFS may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages NMFS to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Stacy Sroufe at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact NOAA Fisheries, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

Sincerely,

Kemper M. McMaster
State Supervisor

Enclosures
1-7-03-SP-0606

cc:
Nongame, Oregon Department of Fish and Wildlife, Portland, Oregon

ENCLOSURE A

# FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE AREA OF THE SILTCOOS & TAHKENITCH LAKES COHO SALMON FISHERY PROJECT
1-7-03-SP-0606

## LISTED SPECIES[1/]

| | | |
|---|---|---|
| **Mammals** | | |
| Stellar (=northern) sea lion | *Eumetopias jubatus* | **T |
| **Birds** | | |
| Marbled murrelet[2/] | *Brachyramphus marmoratus* | CH T |
| Western snowy plover[3/] | *Charadrius alexandrinus nivosus* | CH T |
| Bald eagle[4/] | *Haliaeetus leucocephalus* | T |
| Brown pelican | *Pelecanus occidentalis* | E |
| Northern spotted owl[5/] | *Strix occidentalis caurina* | CH T |
| **Fish** | | |
| Coho salmon (Oregon Coast)[6/] | *Oncorhynchus kisutch* | **T |
| **Invertebrates** | | |
| Oregon silverspot butterfly | *Speyeria zerene hippolyta* | CH T |

## PROPOSED SPECIES

None

## CANDIDATE SPECIES[7/]

| | | |
|---|---|---|
| **Fish** | | |
| Steelhead (Oregon Coast)[8/] | *Oncorhynchus mykiss* | **CF |

## SPECIES OF CONCERN

| | |
|---|---|
| **Mammals** | |
| White-footed vole | *Arborimus albipes* |
| Red tree vole | *Arborimus longicaudus* |
| Pacific western big-eared bat | *Corynorhinus (=Plecotus) townsendii townsendii* |
| Silver-haired bat | *Lasionycteris noctivagans* |
| Pacific fisher | *Martes pennanti pacifica* |
| Long-eared myotis (bat) | *Myotis evotis* |
| Fringed myotis (bat) | *Myotis thysanodes* |
| Long-legged myotis (bat) | *Myotis volans* |
| Yuma myotis (bat) | *Myotis yumanensis* |
| **Birds** | |
| Northern goshawk | *Accipiter gentilis* |
| Band-tailed pigeon | *Columba fasciata* |
| Olive-sided flycatcher | *Contopus cooperi (=borealis)* |

| | |
|---|---|
| Mountain quail | *Oreortyx pictus* |
| Oregon vesper sparrow | *Pooecetes gramineus affinis* |
| Purple martin | *Progne subis* |
| **Amphibians and Reptiles** | |
| Tailed frog | *Ascaphus truei* |
| Northwestern pond turtle | *Emys (=Clemmys) marmorata marmorata* |
| Northern red-legged frog | *Rana aurora aurora* |
| Southern torrent salamander | *Rhyacotriton variegatus* |
| **Fish** | |
| Green sturgeon | *Acipenser medirostris* |
| River lamprey | *Lampetra ayresi* |
| Pacific lamprey | *Lampetra tridentata* |
| Coastal cutthroat trout (Oregon Coast) | *Oncorhynchus clarki clarki* |
| **Invertebrates** | |
| caddisfly (no common name) | *Moselyana comosa* |
| caddisfly (no common name) | *Namamyia plutonis* |
| Insular blue butterfly | *Plebeius saepiolus insulanus* |
| **Plants** | |
| Pink sand verbena | *Abronia umbellata* ssp. *breviflora* |
| Seaside gilia | *Gilia millefoliata* |
| Moss | *Limbella fryei* |

*(E) - Listed Endangered* *(T) - Listed Threatened* *(CH) - Critical Habitat has been designated for this species*
*(PE) - Proposed Endangered* *(PT) - Proposed Threatened* *(PCH) - Critical Habitat has been proposed for this species*
*(S) - Suspected* *(D) - Documented*

*Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.*

*(CF) - Candidate: National Marine Fisheries Service designation for any species being considered by the Secretary for listing for endangered or threatened species, but not yet the subject of a proposed rule.*

** *Consultation with National Marine Fisheries Service may be required.*

1/ *U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12*
2/ *Federal Register Vol. 57, No. 45328, October 01, 1992, Final Rule - Marbled Murrelet*
3/ *Federal Register Vol. 64, No. 234, December 7, 1999, Final Rule-Critical Habitat for the Western Snowy Plover*
4/ *Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle*
5/ *Federal Register Vol. 57, No. 10, January 15, 1992, Final Rule-Critical Habitat for the Northern Spotted Owl*
6/ *Federal Register Vol. 63, No. 153, August 10, 1998, Final Rule-Oregon Coast Coho Salmon*
7/ *Federal Register Vol. 67, No. 114, June 13, 2002, Notice of Review - Candidate or Proposed Animals and Plants*
8/ *Federal Register Vol. 63, No. 53, March 19, 1998, Final Rule-West Coast Steelhead*