

swordfish, sharks, billfish, and tunas in relation to the quotas, thereby ensuring that the United States complies with its domestic and international obligations. HMS logbooks are verified using observer data that is collected under OMB Control No. 0648-0593 (Observer Programs' Information That Can Be Gathered Only Through Questions). In addition to HMS fisheries, the HMS logbook is also used to report catches of dolphin and wahoo by commercial and charter/headboat fisheries. The HMS logbooks collect data on incidental species, including sea turtles, which is necessary to evaluate the fisheries in terms of bycatch and encounters with protected species. For both directed and incidentally caught species, the information supplied through vessel logbooks also provides the catch and effort data on a per set or per trip level of resolution. These data are necessary to assess the status of highly migratory species, dolphin, and wahoo in each fishery. International stock assessments for tunas, swordfish, billfish, and some species of sharks are conducted and presented to the International Commission for the Conservation of Atlantic Tunas (ICCAT) periodically and provide, in part, the basis for ICCAT management recommendations which become binding on member nations. Domestic stock assessments for most species of sharks and for dolphin and wahoo are used as the basis of managing these species. The supplementary information on fishing costs and earnings has been collected via this vessel logbook program. This economic information enables NMFS to assess the economic impacts of regulatory programs on small businesses and fishing communities, consistent with the National Environmental Policy Act (NEPA), Executive Order 12866, the Regulatory Flexibility Act, and other domestic laws.

## II. Method of Collection

Logbook entries are mailed.

## III. Data

OMB Control Number: 0648-0371.

Form Number: NOAA Form 88-191.

Type of Review: Regular submission (renewal of a current information collection).

Affected Public: Business or other for-profit (vessel owners).

Estimated Number of Respondents: 11,496.

Estimated Time per Response: 10 minutes for cost/earnings summaries attached to logbook reports, 30 minutes for annual expenditure forms, 12 minutes for logbook catch reports, 2

minutes for negative logbook catch reports.

Estimated Total Annual Burden Hours: 31,360.

Estimated Total Annual Cost to Public: \$0.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 29, 2011.

### Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA410

#### Incidental Take Permit and Habitat Conservation Plan for PacifiCorp Klamath Hydroelectric Project Interim Operations

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

**ACTION:** Notice of availability of draft environmental assessment, habitat conservation plan, implementing agreement, and receipt of application; notice of public meeting.

**SUMMARY:** This notice announces that PacifiCorp Energy (PacifiCorp or applicant) has submitted to the National Marine Fisheries Service (NMFS) an application for an incidental take permit under the Endangered Species Act of 1973, as amended (ESA), for a 10-year period. As required by the ESA, PacifiCorp has also prepared a Habitat

Conservation Plan (Plan) as part of the application. The application and Plan address potential incidental take of one ESA-listed species as a result of operation and maintenance of the Klamath Hydroelectric Project (Project) in and near the Klamath River in Southern Oregon and Northern California and implementation of the Plan during a 10-year period. This notice also announces the availability of a draft Environmental Assessment (EA) related to the requested permit, the proposed Plan, and the corresponding Implementing Agreement (IA) for public review and comment.

**DATES:** Written comments on the draft EA, Plan, and IA, must be received by 5 p.m. Pacific Time, on July 5, 2011.

**ADDRESSES:** Written comments concerning the draft EA, Plan, and IA should be sent by U.S. Mail, facsimile, or e-mail to Lisa Roberts, Fisheries Biologist, NMFS Northern California Office, 1655 Heindon Road, Arcata, CA 95521, facsimile (707) 825-4840, or you may transmit your comment as an attachment to the following e-mail address: [PacifiCorpHCP.SWR@noaa.gov](mailto:PacifiCorpHCP.SWR@noaa.gov).

A public meeting will be held on June 29, 2011, from 6 p.m. to 9 p.m. at the Hilton Garden Inn, 5050 Bechelli Lane, Redding, CA, Phone: (530) 226-5111.

Copies of the draft EA, HCP and IA are available electronically for review on the NMFS Southwest Region Web site at: <http://swr.nmfs.noaa.gov/nepa.htm>. Copies of these documents are also available for public review during regular business hours from 9 a.m. to 5 p.m. at the NMFS Northern California Office, 1655 Heindon Road, Arcata, CA 95521 (707) 825-5178. Individuals wishing copies of the draft EA, Plan, or IA should contact NMFS by telephone (see **FOR FURTHER INFORMATION CONTACT**) or by letter (see **ADDRESSES**).

**FOR FURTHER INFORMATION CONTACT:** Lisa Roberts, Fisheries Biologist, NMFS, telephone (707) 825-5178.

#### SUPPLEMENTARY INFORMATION:

#### Background

Section 9 of the ESA and related Federal regulations prohibit the take of fish and wildlife species listed as endangered or threatened (16 U.S.C. 1538). The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532). NMFS further defines harm as an act which actually kills or injures fish or wildlife, which includes significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavior patterns, including

breeding, spawning, rearing, migrating, feeding or sheltering (50 CFR 222.102). Under limited circumstances pursuant to section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), NMFS may issue permits to authorize incidental take of listed fish or wildlife; i.e., take that is incidental to, and not the purpose of, otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species under NMFS' jurisdiction are found at 50 CFR 222.307.

NMFS has received an application from PacifiCorp Energy (PacifiCorp or Applicant) for an incidental take permit (Permit) for operation and maintenance of the Klamath Hydroelectric Project (Project) and implementation of the Plan for a 10-year period. The application was prepared and submitted by the Applicant, the owner and operator of the Project. The Applicant has requested incidental take permit coverage from NMFS for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of coho salmon *Oncorhynchus kisutch*. The Applicant has prepared the Plan to satisfy the application requirements for an incidental take permit under section 10(a)(1)(B) of the ESA.

The area covered by the Permit would include the Applicant's existing facilities and the adjacent water and land areas potentially influenced by Project maintenance and operations, including the mainstem Klamath River and reservoirs from Link River dam at the outlet of Upper Klamath Lake in Southern Oregon down to the estuary in Northern California, inclusive.

Project facilities at Iron Gate dam in Northern California, which is the Project dam furthest downstream on the Klamath River, do not include fish passage structures. Thus, anadromous fish passage, including passage of listed coho salmon, is currently blocked at Iron Gate dam. Subject to certain conditions and a pending determination in March 2012 by the Secretary of the Interior, the Klamath Hydroelectric Settlement Agreement (KHSA; for more information about the KHSA, see <http://klamathrestoration.gov>) anticipates that four Project dams on the Klamath River (Iron Gate, Copco No. 1, Copco No. 2, and J.C. Boyle) will be removed by December 31, 2020, to accomplish volitional fish passage for listed coho salmon and other species. The removal of the dams envisioned in the KHSA modifies an earlier proposal by PacifiCorp to the Federal Energy Regulatory Commission (FERC) to relicense and continue to operate the Project for 50 years. If the dams are not removed under the KHSA or the KHSA

terminates for any other reason, the Project would revert to the FERC relicensing proceedings. NMFS has prescribed mandatory fishways, which FERC must include as conditions of any new license for operation of the Project, in the FERC relicensing process. These fishways would provide volitional fish passage for listed coho salmon and other species. Therefore, the requested 10-year period of the Permit is consistent with the expectation that there would be volitional fish passage under either dam removal pursuant to the KHSA or FERC's issuance of a new license for the Project by approximately the end of 2020, and volitional fish passage under either of these processes will provide substantial benefits to coho salmon and other anadromous fish species at the completion of the interim term of the Permit.

NMFS is now considering whether to issue an incidental take permit for the interim operation and maintenance of the Klamath Hydroelectric Project during the interim period described above. Issuance of the incidental take permit by NMFS would be contingent on the implementation of the Plan and adherence to any permit conditions. The Plan that PacifiCorp included with its application for a Permit includes a series of conservation measures to minimize and mitigate the effects of operation of the Project on potential incidental take of listed coho salmon during the interim period described above, including a turbine venting system at Iron Gate Dam; coordinated participation in flow variability and flow ramp rate measures at Iron Gate Dam; placement of large woody debris downstream of Iron Gate Dam; funding fish disease research to benefit coho salmon; and a fund that would be used to implement various projects designed to benefit coho salmon by enhancing habitat conditions in the Klamath River and tributaries downstream of Iron Gate Dam.

#### National Environmental Policy Act Compliance

Proposed permit issuance triggers the need for compliance with the National Environmental Policy Act of 1969, as amended (NEPA). NMFS has prepared a draft EA which evaluates the impacts of the proposed issuance of the Permit and implementation of the Plan, as well as the No Action Alternative in which the Permit would not be issued and the Plan would not be implemented. Copies of the draft EA are available for review as described earlier in the **ADDRESSES** section of this document.

#### Public Comments Solicited

NMFS invites the public to comment on the Plan, IA, and draft EA as described above in the **ADDRESSES** section during a 60-day public comment period described above in the **DATES** section. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1539(c)) and regulations for implementing NEPA (40 CFR 1506.6). We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents. The final NEPA determinations will not be made until after the 60-day public comment period has ended and after NMFS has fully considered all relevant comments received during the comment period.

#### Special Accommodations

The public meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Lisa Roberts, NMFS, at (707) 825-5178, at least 5 working days prior to the public meeting date.

#### Next Steps

NMFS will evaluate the application, associated documents, and public comments submitted to prepare final decision documents.

Dated: April 28, 2011.

**Angela Somma,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[File No. 15510]

RIN 0648-XA165

#### Marine Mammals

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Jennifer Burns, Ph.D., University of Alaska Anchorage, Biology Department, 3101 Science Circle, Anchorage, AK, has been issued a permit to conduct