

1340 Financial Boulevard, Suite 234, Reno, NV 89502.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Marcy Haworth, Nevada Fish and Wildlife Office, at telephone 775/861-6300; facsimile 775/861-6301.

**SUPPLEMENTARY INFORMATION:**

**Background**

The genus *Pseudocopaeodes* in the family Hesperidae and subfamily Hesperinae (grass skippers) contains only one species, *Pseudocopaeodes eunus*. The Carson wandering skipper (*Pseudocopaeodes eunus obscurus*) is one of five subspecies in this genus and is locally distributed in grassland habitats on alkaline substrates in eastern California and western Nevada. Currently, it is known from only two populations, one in Washoe County, Nevada, and one in Lassen County, California.

Pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), we published an emergency rule to list the Carson wandering skipper as endangered on November 29, 2001 (66 FR 59537). The emergency rule provides immediate Federal protection to this subspecies for a period of 240 days. We also published a proposed rule on November 29, 2001, to list the Carson wandering skipper as endangered under our normal listing procedures (66 FR 59550).

For further information regarding background biological information, previous Federal actions, factors affecting the subspecies, and conservation measures available to the Carson wandering skipper, please refer to our emergency and proposed rules published in the **Federal Register** on November 29, 2001.

**Public Comments Solicited**

With this notification, we solicit additional information and comments that may assist us in making a final decision on the proposed rule to list the Carson wandering skipper as endangered. We intend that any final listing action resulting from our proposal will be as accurate and effective as possible. Therefore, we request comments and additional information from the general public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. Comments are particularly sought concerning:

(1) The location of any additional populations of this subspecies, and the

reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(2) Additional information regarding the range, distribution, and population size of this subspecies;

(3) Biological, commercial trade, or other relevant data regarding any threat (or lack thereof) to the Carson wandering skipper; and

(4) Current or planned activities or land use practices that could potentially impact the Carson wandering skipper.

Previously submitted written comments on this proposal need not be resubmitted. If you submit comments by e-mail, please submit them in ASCII file format and avoid the use of special characters and encryption. Please include "Attn: Carson wandering skipper" and your name and return address in your e-mail message. If you do not receive a confirmation from our system that we have received your e-mail message, contact us directly by calling our Nevada Fish and Wildlife Office at telephone number 775/861-6300. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Nevada Fish and Wildlife Office, at the above address.

**Public Meeting**

A public informational meeting on the proposed listing of the Carson wandering skipper is scheduled to be held on May 22, 2002, from 5 p.m. to 7 p.m., at the Lassen County Fairgrounds Commercial Building in Susanville, California. Please contact the Nevada Fish and Wildlife Office at the above address with any questions concerning this public meeting.

**Author**

The primary author of this notice is Marcy Haworth of the Nevada Fish and Wildlife Office (see **ADDRESSES** section).

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

Dated: April 24, 2002.

**Marshall P. Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 228**

[I.D. 042502C]

**Taking of the Cook Inlet (CI), Alaska, Stock of Beluga Whales by Alaska Natives, Marine Mammal Protection Act (MMPA)**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The MMPA allows NMFS to limit the subsistence harvest of marine mammals by Alaska Natives when the affected stock of marine mammals is depleted and after the opportunity for a formal hearing on the proposed regulations to limit subsistence harvest. After designating the Cook Inlet stock of beluga whales as depleted, NMFS proposed regulations to limit the subsistence harvest from this stock. In December 2000, a formal hearing was conducted on the proposed regulations. The Administrative Law Judge presiding in the hearing has submitted his recommended decision to the Assistant Administrator for Fisheries (AA). The Judge's recommended decision is available for public review, and NMFS solicits comments on his recommendations.

**DATES:** Comments must be received by May 27, 2002.

**ADDRESSES:** Copies of the recommended decision may be reviewed and/or copied at the Protected Resources Division, Alaska Regional Office, NMFS, Anchorage, AK, 99513; or at the Alaska Regional Office, Protected Resources Division, Juneau, AK 99802. Copies of the recommended decision and the entire record of the hearing may be reviewed and/or copied at the Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on the recommended decision should be forwarded to the Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or submitted by facsimile to (301) 713-0376. Comments will not be accepted if submitted via the Internet or e-mail.

**FOR FURTHER INFORMATION CONTACT:** Thomas Eagle, NMFS, Office of Protected Resources, (301) 713-2322, ext. 105; Barbara Mahoney, NMFS

Alaska Region, Anchorage Field Office, (907) 271-5006; or Michael Payne, NMFS, Alaska Region, (907) 586-7235.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

The recommended decision, proposed regulations, and other documents related to the proposed rule and recovery effort are available on the Internet at the following address: <http://www.fakr.noaa.gov/protectedresources/whales/beluga.htm>.

**Background**

NMFS proposed regulations limiting the subsistence harvest of beluga whales in Cook Inlet, Alaska, on October 4, 2000 (65 FR 59164). The proposed rule's objectives are to recover the depleted stock of Cook Inlet beluga whales to its optimum sustainable population level while preserving the traditional subsistence use of the marine mammals by Alaska Natives. The proposed rule provides that:

(1) Subsistence harvest can only occur under an agreement between NMFS and

an Alaska Native organization pursuant to section 119 of the MMPA;

(2) Subsistence harvest shall be limited to no more than two strikes annually until the stock is no longer considered depleted under the MMPA;

(3) The sale of CI beluga whale products shall be prohibited;

(4) All hunting for subsistence purposes shall occur after July 15 each year; and

(5) The harvest of newborn calves, or adult whales with maternally dependent calves shall be prohibited.

Section 101(b) and section 103(d) of the MMPA require that regulations prescribed to limit the subsistence harvest of marine mammals by Alaska Natives be made after opportunity for a formal agency hearing. Judge Parlen L. McKenna convened a hearing on the proposed rule December 5-8, 2000, in Anchorage, Alaska. Seven persons or parties participated in the hearing.

On March 29, 2002, Judge McKenna submitted his recommended decision in the case to the AA. Federal regulations (50 CFR 228.20) require the AA to make

the recommended decision available for public review and comment for a 20-day period. Following the 20-day comment period, the AA must make a final decision on the proposed regulations, which must include the following:

(1) A statement containing a description of the history of the proceeding;

(2) Findings on the issues of fact with the reasons therefor; and

(3) Rulings on issues of law.

The AA's decision must be published in the Federal Register, and final regulations shall be promulgated with the decision. In accordance with these regulations, NMFS solicits public comments on Judge McKenna's recommended decision.

Dated: May 1, 2002.

**David Cottingham,**

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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