

that would suggest some degree of reproductive isolation.

After analyzing the best available scientific and commercial information, we conclude that Lynn Canal Pacific herring are not markedly discrete from other Pacific herring populations. The following evidence suggests that Lynn Canal Pacific herring are not markedly discrete: (1) there are no known genetic differences between the Lynn Canal stock and other stocks in Southeast Alaska; (2) spawn timing in Lynn Canal does not differ significantly from the timing of other Southeast Alaska stocks, but instead appears to follow a natural gradient based on climatic conditions; (3) growth rates, length-at-age, and weight-at-age of Lynn Canal Pacific herring are not significantly different from stocks elsewhere in Southeast Alaska; (4) tagging data are too limited to determine the extent of migration or degree of spawning site fidelity for individual southeast Alaska stocks; and (5) habitat conditions in Lynn Canal are not markedly different from those elsewhere in southeast Alaska. Therefore, we find that the best available scientific and commercial information does not support a finding that the Lynn Canal population is discrete from other nearby herring populations in Icy Strait, Seymour Canal, Sitka Sound, or other parts of southeast Alaska.

Furthermore, we conclude that, even if the evidence indicated that the Lynn Canal population is discrete, it is not significant with respect to the taxon. Lynn Canal does not provide a markedly unusual or unique ecological setting for herring; the population exists in a relatively small geographic area in close proximity to other herring populations, such that the loss of the population segment would not result in a significant gap in the range of a taxon; the population is not the only surviving natural occurrence of the taxon, but rather is one small part of an abundant, widely distributed taxon; and no evidence indicates that the population segment differs markedly from other populations of Pacific herring in its genetic characteristics. Because the Lynn Canal population does not meet the primary criteria required for recognition as a DPS, we conclude that the Pacific herring population in Lynn Canal does not constitute a DPS as defined under the ESA.

#### Description of Southeast Alaska DPS

Through the Status Review process, we have determined that the Lynn Canal Pacific herring stock is part of a larger, regional Southeast Alaska DPS. The Southeast Alaska DPS of Pacific herring

extends from Dixon Entrance northward to Cape Fairweather and Icy Point and includes all Pacific herring stocks in Southeast Alaska.

#### Discreteness

The delineation of the southern boundary is based on genetic differences between herring in Southeast Alaska and those in British Columbia, as well as differences in recruitment and average weight-at-age, parasitism, spawn timing and locations, and the results of tagging studies conducted in British Columbia. The northern boundary is defined by physical and ecological features that create migratory barriers, as well as large stretches of exposed ocean beaches that are devoid of spawning and rearing habitats.

#### Significance

Given the large scope of this geographic area and the large number of stocks found throughout Southeast Alaska, we have determined that the Southeast Alaska Pacific herring population is significant to the taxon as a whole. Specifically, the Southeast population persists in a unique ecological setting, and the extirpation of this population of Pacific herring would result in a significant gap in the range of the taxon.

#### DPS Conclusion

Because the Southeast Alaska population of Pacific herring meets the discreteness and significance criteria of the joint USFWS-NMFS DPS policy, this regional population constitutes a DPS under the ESA.

#### Next Steps

In order to determine whether this Southeast Alaska DPS of Pacific herring warrants protection under the ESA, we will proceed with a status review of the Southeast Alaska DPS described above. Because we have formally announced the initiation of a status review for the Southeast Alaska DPS of Pacific herring, we consider this DPS to be a candidate species under the ESA. The status review for this candidate species will include an analysis of extinction risk, an assessment of the factors listed under section 4(a)(1) of the ESA, and an evaluation of conservation efforts for the DPS as a whole. The results of the expanded status review and our determination on the status of the Southeast Alaska DPS of Pacific herring will be published in a subsequent **Federal Register** notice.

#### Authority

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

Dated: April 7, 2008.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XH16**

### Pacific Whiting; Joint Management Committee and Scientific Review Group

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

**ACTION:** Notice.

**SUMMARY:** NMFS is soliciting nominations for two advisory groups called for in the Pacific Whiting Act of 2006 (Act). Nominations received pursuant to this notice will be used to appoint one U.S. offshore whiting commercial sector representative to the Joint Management Committee and two U.S. representatives to the Scientific Review Group.

**DATES:** Nominations must be received by May 12, 2008.

**ADDRESSES:** You may submit nominations by any of the following methods:

- E-mail:

WhitingReps.nwr@noaa.gov: Include 0648-XH16 in the subject line of the message.

- Fax: 206-526-6736, Attn: Frank Lockhart.

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA, 98115-0070.

Each submission should be specific to either the Joint Management Committee or the Scientific Review Group.

**FOR FURTHER INFORMATION CONTACT:** Frank Lockhart at 206-526-6142.

**SUPPLEMENTARY INFORMATION:** Title VI of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 entitled "The Pacific Whiting Act of 2006," implements the 2003 treaty "Agreement Between the Government of the United States of America and the Government

of Canada on Pacific Hake/Whiting.” Among other provisions, the Whiting Act provides for the establishment of the Joint Management Committee (Sec. 603(a)(D)) and the Scientific Review Group (Sec. 604(a)) to advise the Joint U.S. Canada Management Committee on bilateral whiting management issues. For the establishment of these committees, the Act requires the Secretary of Commerce appoint:

(1) 1 individual to the Joint Management Committee that represents the U.S. “commercial sector of the whiting fishing industry concerned with the offshore whiting resource;” and,

(2) “2 scientific experts to serve on the Scientific Review Group.”

Nominations are sought for the Secretary to consider in making these appointments.

Nomination Packages should include:

1. The name of the applicant or nominee and the committee or review group they are being nominated for; and,

2. A statement of background and/or description of how the nominee meets the requirements to represent the U.S. on the relevant committee or group.

In the initial year of treaty implementation, NMFS anticipates that up to 3 meetings for each group will be required. In subsequent years, 1–2 meetings will be held annually. Meetings will be held in the United States or Canada. Representatives will need a valid U.S. passport. Members appointed to represent the United States will be reimbursed for necessary travel expenses.

The Pacific Whiting Act of 2006 also states that while performing their appointed duties, members “shall be considered to be Federal Employees only for purposes of: (1) injury compensation under chapter 81 of title 5, United States Code; (2) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and, (3) any other criminal or civil statute or regulation governing the conduct of Federal employees.”

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 7 2008.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8–7792 Filed 4–10–08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XG84**

#### Taking and importing of Endangered Species; Taking of Sea Turtles Incidental to Power Plant Operations

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

**ACTION:** Notice of receipt of applications for individual incidental take permits under the Endangered Species Act; request for comment and information.

**SUMMARY:** NMFS received seven applications for individual incidental take permits under the Endangered Species Act of 1973, as amended (ESA) from power generating stations located on the coast of southern California for the entrainment of sea turtles incidental to routine operations associated with power plant operations. As a result of these applications, NMFS is considering whether to issue the permits in accordance with the ESA authorizing the incidental taking of endangered species. In order to issue the permits, NMFS must determine that these takings will not appreciably reduce the likelihood of survival and recovery for the species and that habitat conservation plans meet the requirements of the ESA. NMFS provides this notice to allow public comment on the applications and conservation plans. NMFS also seeks additional commercial and scientific data relevant to the documents.

**DATES:** Written comments and information must be submitted before May 12, 2008.

**ADDRESSES:** Comments should be addressed to Russell Strach, NMFS Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA, 90802; facsimile: 916–930–3643; or may be submitted electronically to 0648–XG84@noaa.gov. Copies of the applications may be obtained upon written request to this address, or by telephoning the persons below (see **FOR FURTHER INFORMATION CONTACT**)

**FOR FURTHER INFORMATION CONTACT:** Dan Lawson, 562–980–3209, or Lindsey Waller, 562–980–3230, NMFS Southwest Regional Office.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 9 of the ESA and Federal regulations prohibit the “taking” of a species listed as endangered or

threatened. The term “take” is defined under the ESA to mean harass, harm, pursue, hunt, shoot, would, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Section 10(a)(1)(B) ESA authorizes the incidental taking of endangered or threatened species as long as such take is incidental, but not intentional, to an otherwise lawful activity, if certain determinations are made and a permit issued.

In order to issue the ESA section 10(a)(1)(B) permit, NMFS must find that: the taking will be incidental; the impacts will be mitigated to the maximum extent practicable; the taking will not appreciably reduce the likelihood of survival and recovery of the species; the habitat conservation plan reflects measures that NMFS deems necessary or appropriate; and there are adequate assurances that the conservation plan will be funded or implemented. NMFS regulations governing the issuance of permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Incidental live and lethal takings of threatened and endangered sea turtles, including green (*Chelonia mydas*), loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), and olive ridley (*Lepidochelys olivacea*) have occurred or have a reasonable chance to occur, and are expected to continue to occur as a result of the operation of circulating water systems (CWS) by the electrical power generation plants located in southern California described in this incidental take permit application. These CWS are an integral part of these power stations that provide continuous cooling water necessary for power generation and safety of the facility. The typical location of entrainment occurs as water is taken into the plant via submerged structures or canals. Intake velocities may be strong enough to pull live animals into the plant, particularly if they are actively seeking prey in the vicinity of intake structures, or seeking shelter in the intake structure itself. Confinement within intake plumbing could lead to injury or death. If the animal is unable to escape, it could (1) drown or become fatally injured in transit between intake and large sedimentation basins within the plants known as forebays, (2) survive the transit and succumb in the forebay due to exhaustion, illness, or disease, or (3) survive the transit and be rescued by plant personnel using cages specially designed for such an activity. Decomposed turtles may also become entrained in the power plant intake structures.