

(*O. keta*), Ozette Lake sockeye salmon (*O. nerka*), Lower Columbia River steelhead (*O. mykiss*), Middle Columbia River steelhead (*O. mykiss*), Snake River steelhead (*O. mykiss*), Upper Willamette River steelhead (*O. mykiss*), and bull trout (*Salvelinus confluentus*) the Columbia River Distinct Population Segment and the Coastal-Puget Sound Distinct Population Segment.

The state is also seeking incidental take permit coverage for 54 currently unlisted fish species (including anadromous and resident fish) and seven currently unlisted stream-associated amphibian species under specific provisions of the Permits, should these species be listed in the future.

The proposed duration of the incidental take permits and conservation plan would be 50 years, though many aspects of the plan's conservation strategy are intended to benefit aquatic species and their habitat long into the future.

Rules adopted under section 4(d) of the ESA are limited by the statute to threatened species. NMFS has issued a 4(d) rule for most threatened salmon that occur in Washington State (50 CFR 223.203, July 10, 2000). Subsection (b)13 (Limit 13) of the rule pertains to forest practices in the State of Washington and provides a limit from take prohibitions pursuant to section 9 of the ESA for certain threatened salmonids provided that NMFS finds after public review and comment that certain specified requirements are met by the State of Washington. These requirements include, in part, that actions comply with forest practice regulations adopted and implemented by the Washington Forest Practices Board and that they are determined by NMFS to be at least as protective of habitat functions as the regulatory elements of the Forests and Fish Report. The FWS does not have a similar 4(d) rule for the federally threatened bull trout that applies to forest practices in the State of Washington. Since there is no comparable ESA 4(d) rule for bull trout, the FWS would have to develop a 4(d) rule to exempt take of bull trout. If this alternative was chosen as the preferred alternative, FWS would initiate this action. Any 4(d) rule proposed by FWS would include a public review and comment period prior to a final rule being established.

The Services formally initiated an environmental review of the project through publication of a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register** on March 17, 2003 (68 FR 12676). That notice also announced a public scoping

period during which interested parties were invited to provide written comments expressing their issues or concerns relating to the proposal and to attend one of four public scoping meetings held throughout the State.

Based on public scoping comments, the Services have prepared a DEIS to analyze the effects of alternatives on the human environment. Implementation of the state's conservation plan, including issuance of associated incidental take permits from the Services for endangered, threatened and covered species (should they become listed) is Alternative 2 in the DEIS. Three other alternatives are analyzed in the DEIS including: Alternative 1, no action, in that neither incidental take permits nor section 4(d) limits on the application of the prohibition against take would be issued to the state; Alternative 3, amend and implement the conservation plan and issue section 4(d) limits on the application of the prohibition against take through the NMFS Limit 13 only for those threatened species identified in the NMFS 4(d) rule, and through a new rule that would be developed by FWS for specific threatened species only; and Alternative 4, incidental take permits would be issued based on more restrictive forest practices rules that would be incorporated into the state's proposed conservation plan.

This notice is provided pursuant to the ESA and NEPA regulations. The Services will evaluate the applications, associated documents, and comments submitted thereon to determine whether the applications meet the requirements of the ESA and NEPA.

The Services will revise the DEIS in a Final Environmental Impact Statement. The Services' decisions whether to issue incidental take permits or limits on the application of the prohibition against take will be made upon completion of the Final Environmental Impact Statement and the associated Record of Decision.

Dated: October 28, 2004.

**Dave Wesley,**

*Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.*

Dated: February 4, 2005.

**Phil Williams,**

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

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**BILLING CODES 3510-22-S, 4310-55-S**

## CONSUMER PRODUCT SAFETY COMMISSION

### Public Meeting Concerning Petition Requesting Ban of All-Terrain Vehicles Sold for Use of Children Under 16 Years Old

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Consumer Product Safety Commission ("CPSC" or "Commission") will conduct a public meeting on March 22, 2005 to receive comments concerning Petition CP 02-4/HP-02-1, which requested that the Commission issue a rule banning adult-size four wheel all terrain vehicles ("ATVS") sold for the use of children under 16 years old. The CPSC staff's briefing package recommends that the Commission deny the petition. The Commission invites oral presentations from members of the public with information or comments related to the petition or the staff's briefing package. The Commission will consider these presentations as it decides what action to take on the petition.

**DATES:** The meeting will begin at 10 a.m. on March 22, 2005. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by the CPSC Office of the Secretary no later than March 15, 2005. Persons making presentations at the meeting should provide an additional 25 copies for dissemination on the date of the meeting.

The Commission reserves the right to limit the number of persons who make presentations and the duration of their presentations. To prevent duplicative presentations, groups will be directed to designate a spokesperson.

Written submissions, in addition to, or instead of, an oral presentation may be sent to the address listed below and will be accepted until April 22, 2005.

**ADDRESSES:** The meeting will be in room 420 of the Bethesda Towers Building, 4330 East-West Highway, Bethesda, MD. Requests to make oral presentations, and texts of oral presentations should be captioned "ATV Petition Briefing" and submitted by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Requests and texts of oral presentations may also be submitted by facsimile to (301) 504-0127 or mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** For information about the purpose or

subject matter of this meeting contact Elizabeth Leland, Directorate for Economic Analysis, U.S. Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7706; e-mail: [eleland@cpsc.gov](mailto:eleland@cpsc.gov). For information about the schedule for submission of requests to make oral presentations and submission of texts of oral presentations, contact Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-6833; fax (301) 504-0127; e-mail [rhammond@cpsc.gov](mailto:rhammond@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

In August 2002, the Commission received correspondence from the Consumer Federation of America ("CFA") and eight other groups requesting several actions concerning ATVs. The Commission docketed their request that the Commission ban adult-size four wheel ATVs sold for the use of children under 16 years old as a petition. The petitioners assert that such ATVs pose an unreasonable risk of injury and death to children.

The Commission published a notice in the **Federal Register** on October 18, 2002, requesting comments on the petition. 67 FR 64353. The Commission extended the comment period 60 days. 67 FR 78776. The Commission received a total of 78 comments in response to these **Federal Register** notices. In addition, the Commission held a public hearing in Morgantown, West Virginia on June 5, 2003, and the Chairman of the Commission conducted one public hearing in Anchorage, Alaska on July 8, 2003 and another in Albuquerque, New Mexico on November 6, 2003. Presenters at these hearings discussed their opinions about the petition as well as other issues concerning ATVs.

The staff reviewed the petition, comments and other relevant available information. The staff then forwarded a briefing package to the Commission, which is available on the Commission's Web site <http://www.cpsc.gov> or from the Commission's Office of the Secretary. The staff recommends that the Commission deny the petition. The staff concludes that the effectiveness of the ban requested by petitioners would likely be limited for the following reasons. A sales ban would primarily address how ATVs are sold, rather than how they are used after they are purchased, and is likely to have limited effect on deaths and injuries. CPSC does not have the authority to regulate how consumers use a product. Under current ATV Voluntary Action Plans, major

distributors already prohibit their dealers from selling adult-size ATVs for the use of children. Also, numerous hangtags and warnings on ATVs inform consumers that adult-size ATVs are not intended for children. It is uncertain that a ban of the type petitioners request could have any greater impact than these existing measures.

##### B. The Public Meeting

The purpose of the public meeting is to provide a forum for oral presentations on the ATV petition and the CPSC staff briefing package.

Participation in the meeting is open. See the **DATES** section of this notice for information on making requests to give oral presentations at the meeting and on making written submissions.

Dated: February 8, 2005.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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**BILLING CODE 6355-01-P**

#### COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[OJP (OJJDP) Docket No. 1410]

##### Notice of Meeting

**AGENCY:** Coordinating Council on Juvenile Justice and Delinquency Prevention.

**ACTION:** Notice of meeting.

**SUMMARY:** The Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) is announcing the March 4, 2005, meeting of the Council.

**DATES:** Friday, March 4, 2005, 9:15 a.m.-12:30 p.m.

**ADDRESSES:** The meeting will take place at the U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Robert Samuels, Acting Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, by telephone at 202-307-1357, or by e-mail at [Bob.Samuels@usdoj.gov](mailto:Bob.Samuels@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** The Coordinating Council on Juvenile Justice and Delinquency Prevention established pursuant to section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 206 of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, *et seq.* Documents such as meeting

announcements, agendas, minutes, and interim and final reports will be available on the Council's Web page at <http://www.JuvenileCouncil.gov>. (You may also verify the status of the meeting at that Web address.)

Although designated agency representatives attend, the Council is composed of the Attorney General (Chair), the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary for Homeland Security, Immigrations and Customs Enforcement. Nine additional members are appointed by the Speaker of the House of Representatives, the Senate Majority Leader, and the President of the United States.

The agenda for this meeting will include: (a) A review of the past meeting and public comments; (b) presentations on the Safe Schools/Healthy Students program; (c) a presentation on education programs; and (d) discussion and plans for future meetings.

For security purposes, members of the public who wish to attend the meeting must pre-register by calling the Juvenile Justice Resource Center at 301-519-6473 (Daryel Dunston) or 301-519-5790 (Karen Boston), no later than February 25, 2005. To register online, please go to <http://www.JuvenileCouncil.gov/meetings.html>. Space is limited.

**Note:** Photo identification will be required for admission to the meeting.

##### Written Comments

Interested parties may submit written comments by February 25, 2005, to Robert Samuels, Acting Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, at [Bob.Samuels@usdoj.gov](mailto:Bob.Samuels@usdoj.gov). The Coordinating Council on Juvenile Justice and Delinquency Prevention expects public statements presented at its meetings will not be repetitive of previously submitted statements. No oral comments will be permitted at this meeting.

**J. Robert Flores,**

*Vice-Chair, Coordinating Council on Juvenile Justice and Delinquency Prevention.*

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