

**ACTION:** Notice of public meeting.

**SUMMARY:** NMFS has requested the Center for Independent Experts (CIE) to conduct a peer review of the agency's evaluation of the effects of fishing on Essential Fish Habitat (EFH) in Alaska. CIE is a group affiliated with the University of Miami that provides independent peer reviews of NMFS science nationwide, including reviews of stock assessments for fish and marine mammals. The evaluation of the effects of fishing on EFH was completed in support of the Draft Environmental Impact Statement (DEIS) for EFH Identification and Conservation in Alaska. The CIE review will examine whether the evaluation incorporates the best available scientific information and provides a reasonable approach to understanding the effects of fishing on habitat in Alaska. As part of this review, NMFS will hold a public meeting between the CIE panel and the NMFS scientists who designed the analysis and the underlying model.

**DATES:** The public meeting will be held June 29, 2004, from 9 a.m. - 5 p.m. Pacific daylight time.

**ADDRESSES:** The meeting will convene at the NMFS Alaska Fisheries Science Center, Jim Traynor Conference Room, Building 4, 7600 Sand Point Way NE, Seattle, WA.

**FOR FURTHER INFORMATION CONTACT:** Jon Kurland, Assistant Regional Administrator for Habitat Conservation, 907-586-7638.

**SUPPLEMENTARY INFORMATION:****Background**

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires NMFS and Fishery Management Councils to describe and identify EFH in fishery management plans (FMPs), minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. The North Pacific Fishery Management Council (North Pacific Council) amended its FMPs for the groundfish, crab, scallop, and salmon fisheries in 1998 to address the EFH requirements. The Secretary of Commerce, acting through NMFS, approved the North Pacific Council's EFH FMP amendments in January 1999 (64 FR 20216; April 26, 1999). In the spring of 1999, a coalition of seven environmental groups and two fishermen's associations filed suit in the United States District Court for the District of Columbia to challenge NMFS' approval of EFH FMP amendments prepared by the Gulf of Mexico,

Caribbean, New England, North Pacific, and Pacific Fishery Management Councils. The focus of the litigation was whether NMFS and the Councils had adequately evaluated the effects of fishing on EFH and had taken appropriate measures to mitigate adverse effects. In September 2000, the court upheld NMFS' approval of the EFH amendments under the Magnuson-Stevens Act, but ruled that the environmental assessment prepared for the amendments violated the National Environmental Policy Act (NEPA). The court ordered NMFS to complete new and thorough NEPA analyses for each EFH amendment in question. The DEIS for EFH Identification and Conservation in Alaska is the curative NEPA analysis for the North Pacific Council's FMPs. A notice of availability for the DEIS was published in the **Federal Register** on January 16, 2004 (69 FR 2593). The DEIS is available on the internet at [www.fakr.noaa.gov/habitat/seis/efheis.htm](http://www.fakr.noaa.gov/habitat/seis/efheis.htm). The public comment period closed April 15, 2004.

The DEIS analysis of the effects of fishing on EFH has two components: (1) a quantitative mathematical model to show the expected long term effects of fishing on habitat, and (2) a qualitative assessment of how those changes affect fish stocks. After considering the available tools and methodologies for assessing effects of fishing on habitat, NMFS, the North Pacific Council, and the North Pacific Council's Scientific and Statistical Committee concluded that the model and analysis incorporate the best available scientific information and provide a good approach to understanding the impacts of fishing activities on habitat. Nevertheless, the model has not been subjected to a formal peer review. Given the newness of the model, the importance of this analysis for Alaska's fisheries, and the controversial nature of the subject matter, NMFS determined that an outside peer review is a prudent step that will strengthen the administrative record for the agency's decisions.

The CIE panel will consist of five reviewers plus a chair. The panel will review materials related to the topic, participate in a workshop with the NMFS scientists who developed the model and the analytical approach, and produce a report. The final report is due in August 2004 and will consist of individual reports from each panelist plus a summary report. The chair will present the results of the review during the October 2004 North Pacific Council meeting. Further information, including the statement of work for the CIE review and all of the documents NMFS is asking the panel to review, is available

on the internet at [www.fakr.noaa.gov/habitat/cie/review.htm](http://www.fakr.noaa.gov/habitat/cie/review.htm).

**Special Accommodations**

The meeting is physically accessible to people with disabilities. Requests for special accommodations should be directed to Mary B. Goode, (907) 586-7636, at least five working days before the meeting date.

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

Dated: June 10, 2004.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 061004B]

**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)**

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

Notification of a proposal for an EFP to conduct experimental fishing; request for comments.

**SUMMARY:** The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application requested by the National Fisheries Institute (NFI) and Rutgers, The State University of New Jersey (Rutgers), for a study to conduct a supplemental finfish trawl survey (survey) under the Mid-Atlantic Fishery Management Council Research Set-Aside (RSA) Program contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Summer Flounder, Scup, and Black Sea Bass, Atlantic Mackerel, Squid, and Butterfish, and Bluefish Fishery Management Plans. However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue an EFP that would allow one vessel to conduct fishing operations that are otherwise restricted by the

regulations governing the fisheries of the Northeastern United States.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments on this document must be received on or before July 6, 2004.

**ADDRESSES:** Comments on this notice may be submitted by e-mail. The mailbox address for providing e-mail comments is [DA327A@noaa.gov](mailto:DA327A@noaa.gov). Include in the subject line the following document identifier: "Comments on supplemental finfish trawl survey." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on supplemental finfish trawl survey." Comments may also be sent via fax to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Paul Perra, Fishery Policy Analyst, phone: 978-281-9153, fax: 978-281-9135.

**SUPPLEMENTARY INFORMATION:** The requested EFP would expand work allowed under an existing EFP for the vessel to conduct additional research trawls in November along two offshore transects: one each at Alvin and Poor Man's Canyons.

Work under the existing EFP currently allows the vessel to conduct two trawl transects (one east of Hudson Canyon and one south of Baltimore Canyon) in January, May, and November, and along six offshore transects, one each near Alvin, Hudson, Baltimore, Poor Man's, Washington, and Norfolk Canyons in March. NFI and Rutgers have requested that, during November, the transects at Alvin and Poor Man's Canyons also be sampled. This would expand the scope of work under the project's current EFP from two transects to four transects during November. Therefore, a new EFP is required for the November portion of the project.

The EFP would allow for exemptions from summer flounder fishery regulations at 50 CFR 648.101(a) and (b); summer flounder gear restrictions at § 648.104; scup trimester quota closures at § 648.121(a); scup time and area restrictions at § 648.122(a) and (b); scup trawl gear restrictions at § 648.123; black sea bass trip limits at § 648.140(b)(2); black sea bass gear restrictions at § 648.144(a); *Loligo* squid and Atlantic mackerel closures at § 648.22(a) and (c); and bluefish

closures at § 648.161(a) and (b). In addition, in order to collect individual size measurements and other data, the EFP for the research vessel would grant exemptions from the following regulations: Minimum size for summer flounder at § 648.103(a), (b), and (c), for scup at § 648.124(a), for black sea bass at § 648.143, for monkfish at § 648.93, for spiny dogfish at § 648.233, for yellowtail flounder and winter flounder at § 648.83, and for lobster at § 697.20(b); from spiny dogfish closures at § 648.231; and from Northeast multispecies regulated mesh, restrictions on gear, and methods of fishing at § 648.80.

The general trawl sampling procedures in November would remain similar to what is described in the original EFP. Sampling would be conducted at trawl stations along each transect from depths near 40, 60, 80, 125, 150, 200, and 225 fathoms (73, 109, 146, 228, 274, 366, and 411 meters, respectively), with four additional trawl sites added along each of the transects based on the catches of the target species. Primary target species would be summer flounder, scup, black sea bass, monkfish, and spiny dogfish, and secondary target species would be skates, yellowtail flounder, winter flounder, lobster, and *Loligo* squid. One tow would be conducted at each station over a distance of 0.5 to 2 nautical miles, with a tow speed of 3 to 3.2 knots. Careful records would be kept of all gear descriptions so that consistent gear can be used on subsequent surveys. A four-seam box net would be used with a 2.4 inch (6.1 cm) mesh codend. Sampling protocol for handling the catch from the trawl survey would follow standard NOAA Fisheries survey methods. Every effort would be made to weigh the entire catch, or to put in baskets the entire catch and weigh a subsample of the baskets. Lengths would be obtained for target species. If time does not permit sampling between tows, fish sorted for length measurement would be placed in labeled containers and stored until processing can occur. Temperature, salinity, and depth profiles would be taken for each tow. Pre- and post-cruise meetings would be held to confirm study logistics and conduct retrospective analysis of cruise activities. Scientific research personnel would be on board the vessel at all times when the survey is conducted.

The participating vessel would be required to report all landings in its Vessel Trip Reports.

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

Dated: June 14, 2004.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 060804B]

#### Marine Mammals; File Nos. 1065-1749 and 1034-1685

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

**ACTION:** Receipt of applications.

**SUMMARY:** Notice is hereby given that the following individuals have applied in due form for permits or permit amendments to conduct scientific research on marine mammals: Dr. Patrick Butler, University of Birmingham, School of Biosciences, Edgbaston, Birmingham, United Kingdom (File No. 1069-1749); and Dr. Markus Horning, Texas A&M University, Laboratory for Applied Biotelemetry and Biotechnology, Department of Marine Biology, 5007 Avenue U, Galveston, TX 77551 (Permit No. 1034-1685).

**DATES:** Written, telefaxed, or e-mail comments must be received on or before July 19, 2004.

**ADDRESSES:** The applications and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on the particular request would be appropriate.

Comments may also be submitted by facsimile to (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no