

night). When marine mammals are observed entering or within the exclusion zone, observers must call for the shut down of the airgun array; seismic operators must shut down the seismic array when instructed by an observer. Ramp-up and seismic activities may be reinitiated only when the observer has: (a) determined that the marine mammal(s) has departed the exclusion zone, and (b) visually monitored the exclusion zone for at least 20 minutes since the mammal sighting within the exclusion zone.

#### Comments

NMFS requests public comments on the range of alternatives and the scope of issues that should be considered in the EIS. NMFS recommends participants review the MMS PEA prior to submitting comments.

At the public scoping meeting a brief presentation may precede a request for public information and comments. Those who intend to submit verbal comments will be asked to submit a speaker card (available at the meeting). Depending on how many cards NMFS receives, speakers may be required to limit their verbal comments to a specified period of time so that all persons wishing to comment may have an equal opportunity to do so. NMFS encourages members of the public who provide verbal comments to also submit them in writing, along with any associated graphics, so as to ensure accuracy. All comments, written or verbal, will become part of the public record on this matter.

The public scoping meetings will be accessible to persons with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ken Hollingshead (see **FOR FURTHER INFORMATION CONTACT**). Photo identification will be required to attend these meetings.

Information and questions regarding the proposed action and/or scoping may be obtained by writing to the person listed herein (see **ADDRESSES**), or by telephoning the person listed (see **FOR FURTHER INFORMATION CONTACT**).

Additional opportunities for public review and comment will be provided when the draft EIS is completed. A notice of availability will be published in the **Federal Register**. After release of the draft EIS, NMFS intends to hold public meetings in various cities in Florida, Texas, and Louisiana.

Dated: November 12, 2004.

**Laurie K. Allen,**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 111204D]

#### New England Fishery Management Council; Public Meetings

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat/Marine Protected Areas/Ecosystem Oversight Committee in December, 2004. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will held on Thursday, December 2, 2004 at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the Sheraton Harborside Portsmouth Hotel, 250 Market Street, Portsmouth, NH 03801; telephone: (603) 431-2300.

*Council address:* New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The Committee will continue to work on elements of the Essential Fish Habitat (EFH) Omnibus Amendment 2 including, but not limited to; progress on dedicated habitat research areas, EFH species reports, EFH designation working group, strategy for prioritizing protection of EFH, and non-fishing impacts workshop. The Committee will discuss the ecosystems pilot project work plan and the potential application of the proposed habitat closed areas in Lydonia and Oceanographer canyons to other fisheries. They will also develop comments contributing to a Council response to the Cape Wind Draft Environmental Impact Statement. Other topics may be discussed at the Committee's discretion.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those

issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: November 15, 2004.

**Alan D. Risenhoover,**

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

[FR Doc. E4-3245 Filed 11-17-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 111204B]

#### North Pacific Fishery Management Council; Notice of Public Meeting

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

**ACTION:** Notice of meetings of the North Pacific Fishery Management Council Gulf Rationalization Community Committee.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Gulf Rationalization Community Committee will meet at the Captain Cook Hotel.

**DATES:** The Gulf Rationalization Community Committee will be held December 3, 2004, 8 a.m. – 5 p.m.

**ADDRESSES:** Captain Cook Hotel, Voyager Room, 4 and K Street, Anchorage, AK.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** Nicole Kimball, Council staff, Phone: 907-271-2809.

**SUPPLEMENTARY INFORMATION:** The Council tasked the committee with considering several specific design and implementation issues related to each program, including: the community eligibility criteria, determining who represents the community, determining

how the quota may be used, criteria by which the entity decides which individuals fish the shares, restrictions on sale of quota share under purchase program, use caps and harvest share designations, determining the distribution method among eligible communities, how the Community Fisheries Quota (CFQ) Program and Community Purchase Program (CPP) would work in combination, and how the CFQ program and CPP program would work under Alternative 3.

Although non-emergency issues not contained in this notice may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at 907-271-2809 at least 7 working days prior to the meeting date.

Dated: November 12, 2004.

**Bruce C. Morehead,**

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

[FR Doc. 04-25644 Filed 11-17-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 110904A]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notification of a proposal for permits to conduct experimental fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the

subject Exempted Fishing Permit (EFP) application contains all the required information and warrants further consideration. The Assistant 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 Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for exemptions from the FMP as follows: The Gulf of Maine (GOM) Rolling Closure Areas, the minimum mesh size for trawl gear, the Days-at-Sea (DAS) notification requirements, and the effort-control program (DAS). 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 must be received on or before December 3, 2004.

**ADDRESSES:** 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 the GOM Rope Separator Trawl Study." Comments may also be sent via fax to (978) 281-9135, or submitted via e-mail to the following address: [da689@noaa.gov](mailto:da689@noaa.gov).

#### FOR FURTHER INFORMATION CONTACT:

Karen Tasker, Fishery Management Specialist, phone 978-281-9273.

**SUPPLEMENTARY INFORMATION:** An application for an EFP was submitted on September 22, 2004, by Dr. Pingguo He of the University of New Hampshire (UNH) for a Cooperative Research Partnership Initiative contract project. The primary goal of the research is to design and test a rope separator trawl that targets haddock and pollock while releasing cod and flounder in inshore western GOM waters. The intent of the researchers is that the experimental net, if successful, could be suitable for fishing using B DAS in the future.

The project, which is anticipated to be 18 months in duration, would include flume tank trials and 12 days of at-sea trials during the first year of the project.

At-sea trials would consist of three to four 1-hour tows per sea day. Additionally, researchers would use remote underwater video observation and acoustic gear geometry monitoring to assess the success of the net during at-sea trials. The design of the net would consist of a rope separator in place of the more common netting separator in order to simplify design and rigging; a large bottom escape area for cod, flatfishes, and benthos; and a raised fishing line running through long drop chains to further allow benthic species to escape. Researchers have requested a small mesh exemption to allow for the use of a second codend or a small-mesh cover to collect fish released from the trawl to assess the effectiveness of the separator trawl.

All specimens caught would be sampled and measured. All undersized fish would be returned to the sea as quickly as practical after measurement and examination. The overall fishing mortality is estimated to be 30 percent of the average commercial fishing mortality that would result from the proposed number of DAS. The researcher anticipates that a total of 6,249 lb (2,834.5 kg) of fish, including 1,550 lb (703.1 kg) of cod, will be harvested throughout the course of the study. Other species that are anticipated to be caught are haddock, dab, yellowtail flounder, winter flounder, grey sole, white hake, and pollock. All legal-sized fish, within the possession limit, will be sold, with the proceeds returned to the project for the purposes of future enhancing research.

The first year of the study would take place from May 1, 2005, to April 30, 2006. All at-sea research will be conducted from one fishing vessel. The trials would occur between 43°20' and 42°30' N. lat. and west of 70°15' W. long., excluding the Western GOM Closure Area. Researchers have asked for an exemption to the regulations establishing the Western GOM Rolling Closure Areas because they believe that an optimum mixture of haddock and cod for testing the experimental gear will be present in the waters of the Western GOM during May and June. Because the aim of the project is to separate haddock and cod before the fish are brought onboard, an exemption from the Western GOM Rolling Closures is important to the success of the study. An exemption from DAS is requested since a commercial DAS level of effort will not likely be realized due to the additional time necessary to weigh, measure, and sort the catch, and to adjust underwater video and acoustic monitoring systems.