

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less).

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

#### Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any cases of pinniped injury or mortality are judged to result from these activities, this will be reported to NMFS immediately.

#### Endangered Species Act (ESA)

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001. FWS recognized that Boeing will restore sea otter habitat (i.e., kelp beds) in the vicinity of the harbor to replace kelp destroyed during dredging and stated that there would not be takes of southern sea otters. In addition, the FWS noting that VAFB has committed to a southern sea otter monitoring program designed to detect the presence and possible disturbance at the VAFB harbor area during dredging activities (see 68 FR 36540, June 18, 2003).

#### NEPA

In accordance with section 6.01 of the National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS has determined based on the content and analysis of Boeing's request for an IHA, and the Final Environmental Assessment for Harbor Activities Associated with the Delta IV Program at VAFB (ENSRI, 2001) that the

proposed issuance of this IHA to Boeing by NMFS will not individually or cumulatively result in a significant impact on the quality of the human environment as defined in 40 CFR 1508.27. Impacts are not expected to be outside the scope of that EA. Therefore, this action meets the definition of a "Categorical Exclusion" as defined under NOAA Administrative Order 216-6 and is exempted from further environmental review.

#### Preliminary Conclusions

NMFS proposes to issue an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period. The proposal to issue this IHA is contingent upon adherence upon the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has preliminarily determined that the impact of harbor activities related to the Delta IV/EELV at VAFB, including: transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation will result in the harassment of only small numbers of Pacific harbor seals, California sea lions and northern elephant seals; would have a negligible impact on these marine mammal stocks; and would not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence uses. Northern fur seals, Guadalupe fur seals, and Steller sea lions are unlikely to be found in the area and, therefore, will not be affected. While behavioral modifications may be made by these species to avoid the resultant acoustic and visual stimuli, there is no potential for large-scale movements, such as stampedes, since harbor seals, California sea lions, and northern elephant seals haul out in small numbers near the site (maximum number of harbor seals hauled out in 1 day estimated at 43 seals, averaging at 21 seals per day, maximum number of California sea lions hauled out in one day is estimated at six). The effects of Boeing's harbor activities are expected to be limited to short-term and localized behavioral changes.

Due to the localized nature of these activities, the number of marine mammals potentially taken by harassment are estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment is unlikely given the low noise levels expected at the site. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine

mammals occur within or near south VAFB harbor.

#### Information Solicited

NMFS requests interested persons to submit comments and information concerning this request (see **ADDRESSES**). Prior to submitting comments, NMFS recommends readers review NMFS' responses to those comments on this activity submitted previously (see 67 FR 63151, May 23, 2002, 68 FR 36540).

Dated: March 31, 2004.

**Laurie K. Allen,**

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

[FR Doc. 04-7817 Filed 4-6-04; 8:45 am]

**BILLING CODE 3510-22-S**

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[I.D. 032404C]

**Marine Mammals; File Nos. 808-1735, 1036-1744, 1058-1733, 948-1692, and 605-1607**

**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. Andrew Read, Duke University Marine Laboratory, Beaufort, North Carolina 28516 (File No. 808-1735); Robert DiGiovanni, Riverhead Foundation for Marine Research and Preservation, 467 East Main Street, Riverhead, New York 11901 (File No. 1036-1744); Dr. Mark Baumgartner, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543 (File No. 1058-1733); Dr. Ann Pabst, University of North Carolina at Wilmington, 601 South College Road, Wilmington, North Carolina 28403 (File No. 948-1692); and Mason Weinrich, Whale Center of New England, Gloucester, Massachusetts 01931 (Permit No. 605-1607-01).

**DATES:** Written, telefaxed, or e-mail comments must be received on or before May 7, 2004.

**ADDRESSES:** The applications and related documents are available for review upon request or by appointment in the following office(s):

All documents: 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;

File Nos. 1058-1733, 1036-1744, 948-1692, and Permit No. 605-1607-01: Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371;

File No. 948-1692 and Permit No. 605-1607-01: Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320; and

File Nos. 1058-1733 and 808-1735: 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 later than the closing date of the comment period.

Additionally, comments may be submitted by e-mail. The mailbox address for providing email comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include the appropriate File No. (808-1735, 1036-1744, 1058-1733, 948-1692, or 605-1607) as a document identifier in the subject line of the e-mail comment.

**FOR FURTHER INFORMATION CONTACT:** Dr. Tammy Adams, Jill Lewandowski or Carrie Hubard at (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permits and permit amendment are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

File No. 808-1735: The applicant requests a 5-year permit for suction cup attachment of data logging tags to humpback (*Megaptera novaeangliae*), minke (*Balaenoptera acutorostrata*), fin (*B. physalus*), sei (*B. borealis*) and blue (*B. musculus*) whales to examine their

foraging behavior relative to krill patches in waters surrounding Antarctica.

File No. 1036-1744: The applicant requests a 5-year permit to conduct aerial surveys to assess seasonal abundance and distribution of the North Atlantic right whale (*Eubalaena glacialis*) and other marine mammals in the New York Bight and surrounding waters, which will enhance the survey work performed by the NMFS Northeast Fisheries Science Center's Sighting Advisory System.

File No. 1058-1733: The applicant requests a 5-year permit for suction cup attachment of data logging tags to right whales in the North Atlantic and to blue, fin, humpback, sei, and Antarctic minke (*B. bonaerensis*) whales in the Southern Ocean to study diving and foraging behavior. The primary objectives are to: (1) develop a predictive model of right whale distribution; (2) determine overlap between right whale diving behavior and vertical structure of nearby fixed fishing gear; and (3) to understand trophic interactions between baleen whales and Antarctic krill and document the effect of whale predation on krill patch size and structure.

File No. 948-1692: The applicant requests a 5-year permit to investigate the distributions of North Atlantic right whales and humpback whales in mid-Atlantic waters using aerial and vessel-based surveys. These surveys will assist in understanding the seasonal distribution of these whales in Mid-Atlantic waters.

Permit No. 605-1607-01: Permit No. 605-1607-01, issued on June 11, 2001 (66 FR 32794) and which expires on June 30, 2006, currently authorizes the holder to assess the health, status, and trends of humpback, fin, sei, and North Atlantic right whales off the U.S. Atlantic coast from southern Maine to northern Florida through photo-identification, remote biopsy sampling, and attachment of time-depth recorders, VHF tags, and Crittercams. The permit holder requests an amendment to increase the number of humpback and fin whales that can be suction cup tagged from 10 per year per species to 25 per year per species, and to increase the number of approaches/attempts per tag from 2 per animal to 5 per animal. The purpose of the suction cup mounted data logging tags is to study underwater behavior of the whales on their feeding grounds in New England waters and to gather information about noise levels and whale responses to vessel noise and vessel approaches.

Concurrent with the publication of this notice in the **Federal Register**,

NMFS is forwarding copies of these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 31, 2004.

**Stephen L. Leathery**,  
Chief, Permits, Conservation and Education  
Division, Office of Protected Resources,  
National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 033104C]

#### Availability of the Draft Guidelines for the Climate Change Science Program Synthesis and Assessment Products

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** The United States Climate Change Science Program (CCSP) is announcing the availability of the Draft Guidelines for the CCSP Synthesis and Assessment Products, which are described in the Strategic Plan for the U.S. Climate Change Science Program (<http://www.climatescience.gov/Library/stratplan2003/final/default.htm>). The synthesis and assessment products are intended to provide useful information for a variety of users about key climate change topics. The products include reports, data sets, and evaluations of the uses and limits of climate information for decisionmaking. See Chapter 2 of the Strategic Plan for the U.S. Climate Change Science Program for a detailed description of the products.

Your comments are requested on the effectiveness of the proposed guidelines for (1) ensuring scientific integrity and (2) facilitating public involvement in the products. All comments should be sent electronically to [comments@climatescience.gov](mailto:comments@climatescience.gov). Please refer to the instructions for formatting and submitting comments (<http://www.climatescience.gov/Library/sap/sap-reviewinstructions.htm>) to facilitate the collation of comments received into a master set for review by the CCSP.

**DATES:** Comments must be received by May 7, 2004. The comments received by this date will be posted on the CCSP web site.

**ADDRESSES:** The Draft Guidelines for the CCSP Synthesis and Assessment Products are available on the CCSP web