

ADDRESSES: The modification request 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 this request should be submitted 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 this particular modification request would be appropriate.

Comments may also be submitted by facsimile at (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.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1227.

FOR FURTHER INFORMATION CONTACT: Patrick Opay, (301)713-1410 or Patricia Lawson, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 1227, issued on May 1, 2000 (65 FR 25312) is requested under the authority of the Endangered Species Act of 1973, as amended (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).

Permit No. 1227 authorizes the permit holder to capture leatherbacks (*Dermochelys coriacea*) from the wild or rescue them from ghost fishing gear. It authorizes the researchers to tissue sample, fat sample, flipper and PIT (passive integrated transponder) tag up to 100 of this species over the life of the 5 year permit. Twenty of these 100 may also be satellite tagged. The permit holder requests authorization to attach satellite transmitters using the harness backpack method allowed in the current permit on up to an additional 40 of the remaining leatherbacks that they are already permitted to take in the eastern Pacific Ocean nearshore to California and Oregon through December of 2005.

The information from this research is part of studies on the migration and habitat use of these species in the Pacific Ocean. The permit holder also requests authorization to conduct short-term tracking of 20 additional leatherbacks in the Monterey Bay area without having to capture them, using VHF/TDR (time depth recorder)/sonic tag units attached with suction cups. The VHF/TDR/sonic tag units will be used to study the short-term movements, dive behavior and foraging ecology of this species. They will provide fine-scale movements and diving behavior of leatherbacks in the vicinity of Monterey Bay and give important information regarding the foraging ecology of this species off the coast of California.

Dated: April 2, 2004.

Patrick Opay,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.
[FR Doc. 04-7983 Filed 4-7-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040204B]

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

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

ACTION: Notification of a proposal for EFPs 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 an EFP application submitted by the Mount Desert Oceanarium (MDO), Southwest Harbor, ME, contains all of the required information and warrants further consideration. The EFP would allow one fishing vessel to fish for, retain, and land small numbers of regulated fish species and several unmanaged fish and invertebrate species for the purpose of public display. The Assistant Regional Administrator has made a preliminary determination that the activities authorized under these EFPs would be consistent with the goals and objectives of the Fishery Management Plans (FMPs) for these species. However,

further review and consultation may be necessary before a final determination is made to issue EFPs.

Regulations under the Magnuson-Stevens 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 April 23, 2004.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on MDO Specimen Collection." Comments may also be sent via fax to (978) 281-9135. Comments may also be submitted via e-mail to the following address: *da441@noaa.gov*. Include in the subject line of the e-mail "Comments on MDO Specimen Collection."

FOR FURTHER INFORMATION CONTACT: Catherine Tadema-Wielandt, Fishery Management Specialist, 978-281-9244.

SUPPLEMENTARY INFORMATION: The Mount Desert Oceanarium of Southwest Harbor, ME, submitted an application for three EFPs on March 10, 2004, to collect several species of fish and invertebrates for public display. The target species would include American plaice (dab), winter flounder (blackback), yellowtail flounder, witch flounder (grey sole), Atlantic halibut, monkfish, eel pouts, sculpins, sea raven, Atlantic cod, lumpfish, Atlantic wolffish, spiny dogfish, little skate, barndoor skate, and various species of the Phyla Arthropoda (excluding lobsters) and Echinodermata.

One chartered fishing vessel would use a shrimp otter trawl with 2-inch (5.08 cm) mesh to collect marine fish and invertebrates for a maximum of 4 days: 2 days during the period May 10, 2004, through May 19, 2004, and 2 days during the period June 23, 2004, through June 30, 2004. The specimens would be cared for in chilled and aerated seawater while on board the fishing vessel and would be transferred live to tanks the day they are caught. The fish would be brought to shore, maintained in tanks for public display for a period of time not to exceed 5 months, and would be returned to the sea in October 2004.

Collection would be made within the Small Mesh Northern Shrimp Fishery Exemption Area (Area) off Maine. Since the shrimp fishery will be closed at the time of the proposed collection, and this area lies within the Gulf of Maine Regulated Mesh Area, an exemption from the Northeast (NE) multispecies minimum mesh requirements of 6-inch

(15.24 cm) diamond/6.5-inch (16.51 cm) square mesh at 50 CFR 648.80(a)(3) would be required.

The applicant would retain a maximum of six individuals per species, juveniles and adults combined, with the exception of Atlantic halibut. The applicant would only be permitted to retain a total of one Atlantic halibut with a minimum length of 36 inches (91.44 cm). The applicant has requested the following exemptions from the NE Multispecies and Monkfish Fishery Management Plans: effort control program requirements at 50 CFR 648.82(a) and 648.92(a); minimum fish sizes at §§ 648.83(a)(1) and 648.93(a)(1), and monkfish possession restrictions at § 648.94(b)(6). The EFP would also exempt the vessels from the possession and landing restrictions for the NE skate complex fishery at § 648.322(c).

Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: April 2, 2004.

Bruce C. Morehead,

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

[FR Doc. 04-7982 Filed 4-7-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of the Final Environmental Impact Statement (FEIS) for the Relocation of Bogue Inlet Channel Between Emerald Isle and Hammocks Beach State Park, and the Placement of the Dredged Material Onto Emerald Isle Beach, in Carteret County, NC

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with the requirements of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (COE) Wilmington District, Wilmington Regulatory Field Office announces the availability of a Regulatory Program Final EIS for the Bogue Inlet Channel Erosion Response Project. The applicant, The Town of Emerald Isle, is requesting Department of the Army authorization, pursuant to section 404 of the Clean Water Act and section 10 of the Rivers and Harbor Act, for the relocation of Bogue Inlet Channel to protect residential homes and town infrastructures, and to place the dredged

material on approximately 5.0 miles of beach for nourishment. As required by NEPA, the Final EIS describes the Applicant's preferred alternative and other alternatives, which were evaluated during the scoping process, to provide shoreline protection to residents along the inlet. The preferred alternative proposes to move the main ebb channel in Bogue Inlet to a more central location between the west end of Bogue Banks and the east end of Bear Island (Hammocks Beach State Park). The main ebb channel through Bogue Inlet presently occupies a position juxtaposed to the west end of the town of Emerald Isle and is causing severe erosion that threatens development in the subdivision known as The Pointe. The relocation of the main ebb channel to a central location would restore the channel to a position it occupied in the late 1970's and eliminate the erosive impact of tidal currents on the east shoulder of the inlet. A portion of the material removed to relocate the main ebb channel would be used to close the existing channel with the balance of the material used to nourish the shoreline on the west end of the Town of Emerald Isle.

DATES: The Public commenting period on the FEIS will end on May 4, 2004. Written comments must be received at the address listed below no later than 5 p.m.

ADDRESSES: Copies of comments and questions regarding the FEIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division, Attn: File Number 2001-00632, Post Office Box 1890, Wilmington, NC 28402-1890.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the FEIS can be directed to Mr. Mickey Sugg, Wilmington Regulatory Field Office, telephone: (910) 251-4811, facsimile (910) 251-4025, or e-mail at mickey.t.sugg@usace.army.mil.

SUPPLEMENTARY INFORMATION: The FEIS examines potential impacts to Essential Fish Habitat (EFH), Threatened and Endangered Species (specifically the Piping Plover and Piping Plover Critical Habitat), and includes a comprehensive mitigation and monitoring plan to minimize these potential impacts and to evaluate unforeseen effects of the projects. Such mitigation includes the securing of newly formed lands or spits and prohibiting development on these properties and the implementation of a comprehensive bird management plan that is expected to reduce the potential impacts to newly formed bird forage, resting, feeding, and nesting areas. In addition, aerial photography will be

taken for three years after completion of the project in order to assess any project effects and to evaluate unknown risk of shoreline erosion to the oceanfront of Emerald Isle and the inlet shoreline of Bear Island.

The primary purpose of the channel relocation project is to create a stable channel that will divert tidal flow away from the Pointe area of Emerald Isle. Therefore, the design focus is on developing channel dimensions that will capture the majority of the ebb tidal flow through the inlet. An added feature of the overall design would be the closure of the existing channel by constructing a sand dike across the existing channel in the vicinity of the Pointe. The dimensions of the relocated channel will be based on characteristics of the existing ebb tide channel, numerical model studies of tides and currents in the inlet, and channel stability criteria. The numerical model will also be used to evaluate the need for and impacts of closing the existing channel as well as assess the impacts of the repositioned channel on salinity intrusion and flow patterns throughout the entire inlet/estuary complex.

Apart from the channel dimensions, the new channel must be positioned so that it does not cause adverse impacts on the adjacent shorelines or result in unacceptable loss of estuarine habitat. The selection of a channel location is being based on detailed geomorphic analysis of the inlet and adjacent shorelines, conducted by Dr. William J. Cleary, University of North Carolina at Wilmington. The geomorphic analysis will utilize an assortment of aerial photographs of the inlet covering the period from 1938 to 2001. However the primary emphasis will be on changes in the inlet and the adjacent shorelines between 1973 and 2001. The geomorphic analysis consists of an evaluation of the following: (a) Location of the channel midpoint relative to the Pointe, (b) the orientation of the inlet's ebb tide delta channel, (c) the configuration of the ebb tide delta, *i.e.*, the percent of the ebb tide delta east and west of the main ebb channel, (d) inlet shoulder changes (the Pointe shoreline and the west tip of Bear Island), (e) changes in the ocean shoreline on the west end of Bogue Banks and the east end of Bear Island (Hammocks Beach State Park), and (f) changes in the interior marsh islands (primarily Dudley Island and Island 2). The measured changes the adjacent shorelines, inlet shoulders, and the interior marshes will be related to changes in the physical make up of the inlet including the position and orientation of the ebb tide