

## Conclusions

### *Effects on Cetaceans*

Strong avoidance reactions by several species of mysticetes to seismic vessels have been observed at ranges up to 8 km (4.3 NM) and occasionally as far as 30 km (16.2 nm) from the source vessel. Some bowhead whales avoided waters within 30 km (16.2 nm) of the seismic operation. However, reactions at such long distances appear to be atypical of other species of mysticetes and, even for bowheads, may only apply during migration in Arctic waters.

Odontocetes reactions to seismic pulses, or at least those of dolphins, are expected to extend to lesser distances than are those of mysticetes.

Odontocetes low-frequency hearing is less sensitive than that of mysticetes, and dolphins are often seen from seismic vessels. There are documented instances of dolphins approaching active seismic vessels. However, dolphins as well as some other types of odontocetes sometimes show avoidance responses and/or other changes in behavior when near operating seismic vessels.

Taking account of the mitigation measures that are planned, effects on cetaceans are generally expected to be limited to avoidance of the area around the seismic operation and short-term changes in behavior, falling within the MMPA definition of "Level B harassment." In the cases of mysticetes, these reactions are expected to involve small numbers of individual cetaceans. The "best estimate" is that 8 humpback whales, which is slightly greater than 0 percent of the North and South Atlantic populations, will be exposed to sound levels greater than or equal to 160 dB re 1 micro-pa (RMS). Achieved and Smultea (1995) provide evidence that the North and South Atlantic populations overlap in their wintering areas. Similarly, 59 sperm whales, or approximately 0.4 percent of the North Atlantic sperm whale population, would receive seismic sounds greater than or equal to 160 dB during the proposed survey in the SE Caribbean Sea.

The numbers of odontocetes that may be harassed by the proposed activities are small relative to their respective population sizes. A maximum of 2776, 2491, 1535, 972, and 633 common, bottlenose, Atlantic spotted, rough toothed, and pantropical spotted dolphins, respectively (the most abundant delphinids in the proposed survey area) are expected to be exposed to seismic sounds greater than or equal to 160 dB. This represents 2.1 to 5.0 percent of the North Atlantic

populations of these species based on population estimates for these species. However, surveys have not been conducted for these species of dolphins for most of their range in the North Atlantic Ocean and adjacent waters. The true percentages of the populations that might be exposed to seismic sounds greater than or equal to 160 dB are much less than 2.1 to 5.0 percent. The population sizes and the 2.1 to 5.0 percent are based on a small fraction of their range and their actual population sizes are actually much larger. In light of all of these factors, the potential takings by Level B harassment are expected to have no more than a negligible impact on the affected species or stocks.

### Determinations

NMFS has determined that the impact of conducting the seismic survey in the Southeast Caribbean Sea and adjacent Atlantic Ocean, off the coast of Venezuela, will result, at worst, in a temporary modification in behavior by certain species of marine mammals. This activity is expected to result in no more than a negligible impact on the affected species or stocks.

While the numbers of potential incidental harassment takes depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the numbers 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 low and will be avoided through the incorporation of the mitigation measures mentioned in this document. In addition, the proposed seismic program is not expected to interfere with any subsistence hunts, since operations in the whaling and sealing areas either do not occur or are limited in nature and scope.

### Endangered Species Act (ESA)

Under section 7 of the ESA, NMFS has completed a biological opinion on the effects of the seismic survey on ESA-listed species and critical habitat. NMFS concluded that these activities are not likely to jeopardize the continued existence of these species.

### National Environmental Policy Act (NEPA)

On September 11, 2003, the NSF made a determination, based on information contained within its EA that implementation of the subject action is not a major Federal action having significant effects on the environment within the meaning of Executive Order 12114. NSF

determined, therefore, that an environmental impact statement would not be prepared. On October 21, 2003 (68 FR 60086), NMFS noted that the NSF had prepared an EA for the SE Caribbean surveys and that this EA was available upon request. In accordance with NOAA Administrative Order 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS has reviewed the information contained in NSF's EA and determined that the NSF EA accurately and completely describes the proposed action alternative, reasonable additional alternatives, and the potential impacts on marine mammals, endangered species, and other marine life that could be impacted by the preferred alternative and the other alternatives. Therefore, based on this review and analysis, NMFS is adopting the NSF EA under 40 CFR 1506.3 in addition to the supplemental EA, and has issued a Finding of No Significant Impact (FONSI). The FONSI also takes into consideration additional mitigation measures in the IHA that are not in NSF's EA. A copy of the NSF EA and the NMFS FONSI for this activity are available upon request (see ADDRESSES).

### Authorization

NMFS has issued an IHA to take small numbers of marine mammals, by harassment, incidental to conducting a seismic surveys in the Southeast Caribbean Sea and adjacent Atlantic Ocean, off the coast of Venezuela to LDEO for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: April 26, 2004.

### Stephen L. Leathery,

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042604E]

### Pacific Fishery Management Council; Public Meeting

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

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

**SUMMARY:** The Pacific Fishery Management Council's (Council) Coastal

Pelagic Species Advisory Subpanel (CPSAS) will hold a public meeting.

**DATES:** The CPSAS will meet Wednesday, May 19, 2004, from 9 a.m. until business for the day is completed.

**ADDRESSES:** The meeting will be held at NMFS, Southwest Region, 501 West Ocean Blvd., Conference Room 3400, Long Beach, CA 90802; telephone: (562) 980-4000.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384.

**FOR FURTHER INFORMATION CONTACT:** Dan Waldeck, Pacific Fishery Management Council; telephone: (503) 820-2280.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the work session is to review information developed by the CPS Management Team about the current Pacific mackerel stock assessment and harvest guideline and seasonal structure recommendations for the 2004-05 fishery. Planning for the CPS stock assessment review and election of CPSAS officers for 2004 will also occur. CPSAS considerations about the need for an amendment to the CPS fishery management plan to address management measures related to Pacific sardine allocation will also be discussed. The CPSAS will develop recommendations for presentation to the Council at the June 2004 Council meeting.

Although non-emergency issues not contained in the meeting agenda may come before the CPSAS 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 document and any issues arising after publication of this document 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 CPSAS's intent to take final action to address the emergency.

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820-2280 at least five days prior to the meeting date.

Dated: April 28, 2004.

**Matteo J. Milazzo,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 04-10073 Filed 5-3-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042704D]

#### South Atlantic Fishery Management Council; Public Meeting

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

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

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a meeting of its Scientific and Statistical Committee (SSC) and Biological Sub-Committee in Charleston, SC. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The meeting will take place on May 17-19, 2004. The SSC Biological Assessment Sub-Committee will meet from 8:30 a.m. until 5 p.m. on May 17, 2004, and from 8:30 a.m. until 5 p.m. on May 18, 2004. The full SSC will meet from 8:30 a.m. until 5 p.m. on May 19, 2004.

**ADDRESSES:** The meetings will be held at the Town & Country Inn, 2008 Savannah Highway, Charleston, SC 29407; 843/571-1000; FAX 843/766-9444.

*Council address:* South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer; telephone: 843/571-4366 or toll free 866/SAFMC-10; FAX 843/769-4520; email: kim.iverson@safmc.net.

**SUPPLEMENTARY INFORMATION:** Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the SSC is the body responsible for reviewing the Council's scientific materials, including stock assessments. Therefore, the purpose of the SSC Biological Assessment Sub-Committee meeting is to prepare recommendations for presentation to the full Scientific and Statistical Committee addressing recent SEDAR (Southeast Data, Assessment and Review) stock assessments for yellowtail snapper, goliath grouper, hogfish and king mackerel. The SSC Sub-Committee and SSC will provide their determinations on the stock assessments, including the following: certify the assessments are based upon best available data/science and are adequate for management, develop advice on the magnitude and direction of action(s) required, interpret the

assessment results and provide clearly understood conclusions, develop guidelines for the Council on assessment needs and resources to complete recommendations, and review the current Southeastern Data Assessment and Review (SEDAR) Process and offer recommendations.

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 identified 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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the council office (see **ADDRESSES**) by May 14, 2004.

Dated: April 28, 2004.

**Matteo J. Milazzo,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 04-10075 Filed 5-3-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042304E]

#### Marine Mammals; File Nos. 42-1642, 482-1653, and 1026-1671

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

**ACTION:** Issuance of permit amendments.

**SUMMARY:** Notice is hereby given that the following applicants have been issued amendments to their existing scientific research permits to study marine mammals:

Permit No. 42-1642-02: Mystic Aquarium, 55 Coogan Blvd., Mystic, CT 06355 (Dr. Lisa Mazarro, Principal Investigator);

Permit No. 482-1653-01: James Gilbert, Ph.D., University of Maine, Department of Wildlife Ecology, 210 Nutting Hall, Orono, Maine 04469; and

Permit No. 1026-1671-00: Belinda L. Rubinstein, New England Aquarium, Central Wharf, Boston, MA 02110.