

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 051304A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Final Environmental Impact Statement Addressing Essential Fish Habitat Requirements of the Fishery Management Plans of the U.S. Caribbean

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

ACTION: Notice of availability of a Record of Decision.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, NMFS announces the availability of a Record of Decision (ROD) regarding a final environmental impact statement (FEIS) that was prepared to determine whether to amend the fishery management plans of the Caribbean Fishery Management Council to address essential fish habitat (EFH) requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This ROD documents the decision by NMFS to proceed with such an amendment to: describe and identify EFH for each fishery; identify other actions to encourage the conservation and enhancement of such EFH; and identify measures to prevent, mitigate or minimize to the extent practicable the adverse effects of fishing on such EFH.

ADDRESSES: Copies of the ROD and the FEIS can be obtained from NMFS, Southeast Regional Office, 9721 Executive Center Drive North, St. Petersburg, FL 33702; telephone: 727-570-5317.

FOR FURTHER INFORMATION CONTACT: David Dale, Fishery Biologist, 727-570-5317, fax: 727-570-5300; email: david.dale@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS Southeast Region was the lead agency responsible for preparing, under third party contract, an FEIS for the Generic Essential Fish Habitat Amendment (EFH Amendment) for the spiny lobster, queen conch, reef fish, and coral fishery management plans for the U.S. Caribbean. The FEIS evaluates alternatives for bringing the EFH Amendment into compliance with the EFH mandates of the Magnuson-Stevens Act. For each of the four Caribbean fisheries, the FEIS analyzes a range of potential alternatives to: (1) describe

and identify EFH for the fishery; (2) identify other actions to encourage the conservation and enhancement of such EFH; and (3) identify measures to minimize, to the extent practicable, the adverse effects of fishing on such EFH. The FEIS contains the methods and data used in the analyses, background information on the physical, biological, human, and administrative environments, and a description of the fishing and non-fishing threats to EFH. The notice of availability of the FEIS was published on April 23, 2004 (69 FR 22025).

The ROD documents NMFS' decision to proceed, in cooperation with the Caribbean Fishery Management Council (Council), with amending the spiny lobster, queen conch, reef fish, and coral fishery management plans for the U.S. Caribbean to implement the Council's preferred alternatives for identifying EFH, identifying habitat areas of particular concern, and preventing, mitigating, or minimizing the adverse effects of fishing on EFH. The ROD identifies all alternatives considered in reaching the decision, specifies the alternatives which were considered to be environmentally preferable, and identifies and discusses relevant factors which were balanced by NMFS in making its decision. A copy of the ROD will be mailed to individuals, agencies, or companies that commented on the draft and final EISs. In addition, copies of the ROD and FEIS are available from NMFS (see **ADDRESSES**).

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

Dated: May 20, 2004.

John Oliver,
Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 031604B]

Taking Marine Mammals Incidental to Specified Activities; Alafia River Navigation Channel, Tampa, FL

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

ACTION: Notice of receipt of application and proposed authorization for an incidental take authorization; request for comments.

SUMMARY: NMFS has received a request from the U.S. Army Corps of Engineers-Jacksonville District (Corps) for authorizations to take marine mammals, by harassment, incidental to expanding and deepening the Alafia River Navigation Channel in Tampa Harbor, FL (Alafia River project). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue a 1-year Incidental Harassment Authorization (IHA) to the Corps to incidentally take, by harassment, bottlenose dolphins (*Tursiops truncatus*) as a result of conducting this activity and the Corps' application for regulations.

DATES: Comments and information must be received no later than June 24, 2004.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing e-mail comments on this action is PR2.Tampa1@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: ID#031604B. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size. A copy of the application containing a list of references used in this document may be obtained by writing to the address provided or by telephoning the contact listed under the heading **FOR FURTHER INFORMATION CONTACT**. Publications referenced in this document are available for viewing, by appointment during regular business hours, at the address provided here during this comment period.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, (301) 713-2322, ext 128.

SUPPLEMENTARY INFORMATION:**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an