

begin with one day of demolition at each site. Monitoring at each site during demolition will start one hour before demolition begins, run all day, and will be completed no sooner than one hour after it ends.

Results from the pre-construction baseline monitoring will determine if mid-day monitoring is necessary during the days of construction following demolition. If it is determined that it is necessary and/or beneficial, monitoring will take place at each site during every day of construction starting one hour before construction begins each day and finishing one hour after it ends each day. For sites 55D, 55F and 58A, if it is determined that mid-day monitoring is not necessary, 2 two-hour monitoring sessions will occur each day of construction following demolition. The first session will begin one hour before the start of construction and end one hour after the start of construction, and then begin again one hour before the end of construction and end one hour after construction has finished for the day. Site 57E is the closest work site to Seal Rock, about 170 feet (51.8 m) away. At this distance, much of the construction noise will have attenuated to low levels. However, NMFS believes careful monitoring of this site is still warranted. Despite results from baseline monitoring, monitoring will take place at site 57E during every day of construction starting one hour before construction begins each day and finishing no earlier than one hour after construction ends each day.

Sound levels 100 feet (30.5 m) from each site will be recorded during all periods of monitoring. If at any time indications of a substantial disturbance to harbor seals resulting from construction activities are observed, and/or if sound levels are found to be above 90 dBA at a distance of 100 feet (30.5 m) from construction at any of the sites, the applicant will contact NMFS to provide this information. It will then be determined if any further mitigation or monitoring measures are needed, such as the installation of sound barriers. However, at this time NMFS does not propose requiring sound barriers because sound levels appear to be low at most, if not all, sites to even cause Level B behavioral harassment.

Reporting

A draft report will be submitted to NMFS Regional Administrator within 90 days after project completion. The final report must be submitted to the Regional Administrator within 30 days after receiving comments from NMFS on the draft final report. If no comments are

received from NMFS, the draft report will be considered to be the final report.

The City of San Diego is planning on sharing and comparing data collected as a result of these monitoring efforts with other interested parties, such as the Hubbs-Sea World Research Institute or Friends of La Jolla Seals. Monitoring work during this project may be conducted in collaboration with these groups as well.

Endangered Species Act (ESA)

NMFS does not expect any species listed under the ESA to be affected by the planned construction activities. However, NMFS will continue to review this action and will decide on whether consultation under section 7 of the ESA on the issuance of an IHA under section 101(a)(5)(D) of the MMPA is necessary prior to making a final decision.

National Environmental Policy Act (NEPA)

On September 15, 2003, the City of San Diego completed an Environmental Impact Report (EIR) for the proposed La Jolla Cove Wall Replacement and Bluff Improvements Project. NMFS is reviewing this EIR and will either adopt it or prepare its own NEPA document before making a determination on the issuance of an IHA.

Preliminary Conclusions

NMFS has preliminarily determined that the short-term impacts of wall replacement and bluff improvement activities, as described in this document and in the application for an IHA, should result in only the temporary modification in behavior by Pacific harbor seals. The City of San Diego believes the effects of demolition and construction are expected to be limited to short term and localized changes in behavior involving small numbers of pinnipeds. While behavioral modifications, including temporarily vacating onshore haulouts, may be made by the seals, this action is expected to have a negligible impact on the animals. In addition, no take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document.

Proposed Authorization

NMFS proposes to issue an IHA to the City of San Diego for the potential harassment of small numbers of Pacific harbor seals, incidental to wall replacement and bluff improvement, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS

has preliminarily determined that the proposed activity would result in the harassment of small numbers of Pacific harbor seals and will have no more than a negligible impact on this marine mammal stock.

Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see ADDRESSES).

Dated: August 13, 2004.

Laurie K. Allen,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080904E]

Atlantic Highly Migratory Species; Exempted Fishing Permits

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

ACTION: Notice of receipt of a request for exempted fishing permits; request for comments.

SUMMARY: NMFS announces the receipt of a request for exempted fishing permits (EFPs) for conducting bycatch reduction research in the following regions of the Atlantic Ocean: North of Cape Hatteras, South of Cape Hatteras, and Gulf of Mexico (GOM). NMFS invites comments from interested parties on potential concerns should these EFPs be issued.

DATES: Written comments on the proposed exempted fishing activity must be received no later than September 2, 2004.

ADDRESSES: You may submit comments by any of the following methods:

- Email: ID080904E@noaa.gov.
Include in the subject line the following identifier: I.D. 080904E.
- Mail: Christopher Rogers, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- Fax: (301)713-1917.

FOR FURTHER INFORMATION CONTACT:

Heather Stirratt, 301-713-2347; fax: 301-713-1917.

SUPPLEMENTARY INFORMATION: EFPs are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management

Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic HMS.

Several operators of permitted Atlantic pelagic longline vessels have requested exemptions from certain regulations applicable to the harvest and landing of Highly Migratory Species (HMS) in order to conduct bycatch reduction research in the following regions of the Atlantic Ocean: North of Cape Hatteras, South of Cape Hatteras, and Gulf of Mexico (GOM). Specifically, the permitted pelagic longline vessels propose to test gear modifications and/or various fishing techniques to avoid incidentally-caught white marlin, blue marlin, bluefin tuna, and sea turtles, while allowing for the targeted catches of allowed species.

Research experiments will be carried out, to the extent practicable, within open fishing areas. However, due to statistical protocols to demonstrate the effectiveness of gear modifications it may be necessary to conduct comparison experiments inside of existing closed areas. Restricted access within existing closed areas has been proposed by the applicants as terms and conditions of the proposed research in order to minimize or eliminate the potential for gear and/or fishing grounds conflicts. Within the GOM region, two pelagic longline vessels propose to conduct 100 compensated bycatch reduction fishing sets (approximately 750 hooks/set) during a limited time period (May through October). Within the North of Cape Hatteras region, two pelagic longline vessels propose to conduct 50 compensated bycatch reduction fishing sets (approximately 680 hooks/set) during a limited time period (May, June, and July). Within the South of Cape Hatteras region, two pelagic longline vessels propose to conduct 50 compensated bycatch reduction fishing sets (approximately 556 hooks/set) during a limited time period (October through December).

This research may benefit all interested parties by providing fishery managers with additional gear modifications and/or fishing techniques that reduce or avoid incidental capture/bycatch mortality of highly migratory species (HMS) in the research areas as proposed above.

The regulations that would prohibit the proposed activities include requirements for size limits (50 CFR 635.20) and gear operation and deployment (50 CFR 635.21).

NMFS invites comments from interested parties on potential concerns should these EFPs be issued.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: August 13, 2004.

Alan D. Risenhoover,

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

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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. 1494.

FOR FURTHER INFORMATION CONTACT:

Patrick Opay or Jennifer Skidmore, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of 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).

The applicant proposes to capture, weigh, measure, flipper tag, tissue sample and release 50 loggerhead, 5 green, 5 hawksbill, 5 Kemp's ridley sea turtles. Animals would be captured by dip net or by hand from the waters of the western Atlantic Ocean. The applicant also proposes to import tissue samples from each of these species taken legally during separate research being conducted in the waters of the Bahamas. The purpose of the research conducted under Permit No. 1494 would be to obtain life history and growth rate data on these species. Information from this study would be used to help determine migratory behavior and habitat utilization of sea turtles. The results of this study would provide a better understanding of the migratory demographics for constructing models that can then be used to better formulate species management plans.

Dated: August 16, 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. 081604B]

Endangered Species; File No. 1494

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that St. George's School, P.O. Box 1910, Newport, RI, 02840, has applied in due form for a permit to take green (*Chelonia mydas*), loggerhead (*Caretta caretta*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or e-mail comments must be received on or before September 20, 2004.

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

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 Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

Written comments or requests for a public hearing on this application 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 this particular 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

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 040812237-4237-01]

NOAA Five-Year Research Plan Draft and NOAA Twenty-Year Research Vision Draft

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

ACTION: Notice and Request for Public Comment.