

Copies of states' most recent performance reports, as well as OCRM's notifications and supplemental request letters to the state, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the last public meeting held for that Program. Please direct written comments to Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910. When the evaluations are completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Notice is hereby given of the availability of the final evaluation findings for the Virginia and New York Coastal Management Programs (CMPs); and the Old Woman Creek (Ohio) and Jacques Cousteau (New Jersey) National Estuarine Research Reserves (NERRs). Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approval of CMPs and the operation and management of NERRs.

The states of Virginia and New York were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)-(K), and adhering to the programmatic terms of their financial assistance awards. Old Woman Creek (Ohio) and Jacques Cousteau (New Jersey) NERRs were found to be adhering to programmatic requirements of the NERR System.

Copies of these final evaluation findings may be obtained upon written request from: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910, or [Ralph.Cantral@noaa.gov](mailto:Ralph.Cantral@noaa.gov), (301) 713-3155, extension 118.

**FOR FURTHER INFORMATION CONTACT:** Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, Silver Spring, Maryland 20910, (301) 713-3155, extension 118.

Dated: September 27, 2004.

**Eldon Hout,**

*Director, Office of Ocean and Coastal Resource Management.*

[FR Doc. 04-23164 Filed 10-14-04; 8:45 am]

**BILLING CODE 3510-08-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Availability of the Final Reserve Operations Plan for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) announces the availability of the Final Reserve Operations Plan for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve). The Reserve Operations Plan (ROP) is a requirement of Executive Order 13178, as finalized by Executive Order 13196 (hereinafter Executive Order or EO). The ROP was presented to the public on two separate occasions in 2002 and 2004, and over 30,000 public comments resulted from both open public comment periods.

The most recent public comment period for the ROP opened on March 19, 2004 (69 FR 13022) and ended on May 15, 2004. Approximately 29,400 public comments were received during this period, with about 27,000 arriving by e-mail and the remainder by letter and fax. In addition, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council provided both general and specific comments on the draft final ROP as did the Marine Mammal Commission, Western Pacific Regional Fisheries Management Council and a group of 13 local and national conservation organizations, claiming to represent over 3.4 million members. A similar letter was also received from a group of 10 conservation organizations (many of the same as above), collectively representing more than 2.7 million members.

**FOR FURTHER INFORMATION CONTACT:** Robert P. Smith, (808) 933-8181, [nwhi@noaa.gov](mailto:nwhi@noaa.gov).

*To Obtain a Hard Copy of the Final Reserve Operations Plan:* Requests can be mailed to NWHI Coral Reef Ecosystem Reserve, 6700 Kalaniana'ole

Highway, #215, Honolulu, Hawaii 96825; faxed to (808) 397-2662; e-mailed to [nwhi@noaa.gov](mailto:nwhi@noaa.gov) or downloaded at <http://www.hawaiiireef.noaa.gov>.

**SUPPLEMENTARY INFORMATION:** The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve) was established by Executive Orders 13178 and 13196. Pursuant to the EO, NOAA prepared a draft Reserve Operations Plan that was issued for public review in February 2002 (67 FR 11998), which provided a guide for management of the Reserve during a process that will consider the marine environment of the Northwestern Hawaiian Islands for designation as a National Marine Sanctuary. Significant public comment was received on the first draft, and the NMSP considered the public comment and worked with the Reserve Advisory Council to produce a second draft Reserve Operations Plan. A second public review period was conducted from March 19 through May 15, 2004 and over 29,000 comments were received.

#### Comments and Responses

From all of the public comments received, a number of comments were accepted by NOAA which corrected technical inaccuracies and/or added additional clarifying information as improvements to the ROP, and were incorporated into the final document, either verbatim as suggested, or addressed by explanation. An example of a comment received and accepted which addressed a technical inaccuracy was "The correct Latin name for killer whale is '*Orcinus*' and should replace '*Orsinus*'". Significant comments to the ROP are generally described below, with NOAA's responses.

1. *Comment:* NOAA should, through the Department of Commerce, carry out formal regulations for the Executive Orders that would be enforceable within the Reserve.

*Response:* The NMSP will not pursue the issuance of any additional regulations for the Reserve. The NMSP's priority is to finalize the ROP and focus on the sanctuary designation process, which will include the development of regulations for the preferred alternative, rather than undertake a resource-intensive, concurrent process to issue regulations for the Reserve.

2. *Comment:* The ROP should include a penalty schedule for violation of all Reserve prohibitions.

*Response:* Executive Orders 13178 and 13196, which established the Reserve, provide specific conservation measures that apply to the Reserve.

Most of these measures are self-executing and need no additional action on the part of the NMSP. Remedies applicable to violations will depend on the circumstances of the particular case. Further, the National Marine Sanctuaries Amendments Act of 2000 does not contain a provision for assessing penalties. As such, the National Marine Sanctuary Program has determined it is not necessary to list a schedule of penalties for the Reserve.

3. *Comment:* The ROP fails to provide specific plans and actions on how to recover endangered and threatened species within the Reserve.

*Response:* Actions needed for the recovery of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, are addressed in formal Recovery Plans. Recovery Plans for most terrestrial species are written and carried out under the authority of the U.S. Department of the Interior, Fish and Wildlife Service. Similarly, Recovery Plans for most species of marine mammals are prepared and implemented under the authority of the U.S. Department of Commerce, National Marine Fisheries Service. In some instances where species rely on both the land and the ocean for essential life stages (such as with sea turtles and monk seals in the NWHI), the Recovery Plans are jointly written by the agencies, and recovery actions are shared. Copies of Recovery Plans pertaining to threatened and endangered species within the Northwestern Hawaiian Islands may be obtained by contacting the offices of the agencies mentioned above. The Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, through cooperative interagency efforts described in the Reserve Operations Plan, will coordinate and assist either responsible agency in the Northwestern Hawaiian Islands.

4. *Comment:* The Reserve should implement mandatory access permits and a mandatory access notification system.

*Response:* The Reserve manager currently reviews requests for permits pertaining to activities proposed in the Reserve that are otherwise prohibited by the Executive Order. However, a mandatory access notification system is not mandated by the EO and thus is not a requirement for the ROP.

5. *Comment:* The ROP should constitute the "No Action" alternative for any sanctuary designation proposal. The Executive Summary should be expanded to note that the ROP establishes a Reserve management framework that will remain in place until modified or replaced by a

management program that incorporates provisions of the Executive Orders in an approved sanctuary decision.

*Response:* A statement regarding the ROP as a "No Action" alternative has been added to the ROP. However, the NMSP does not agree with the portion of the comment which suggests that the ROP and provisions of the EO be approved as part of a sanctuary decision, as this is speculative and premature relative to the process mandated by the National Marine Sanctuaries Act and the National Environmental Policy Act.

6. *Comment:* Clearly some of the responsibilities related to enforcement in the NWHI reside with other parts of NOAA or with other federal agencies. Including such high costs for enforcement in the draft ROP greatly inflates the estimate of total funding required for maintaining and operating the Reserve.

*Response:* An enforcement workshop effort took place in May and June of 2004 to gather knowledge and exchange ideas among multiple federal and state agencies with the intent to develop a unified approach to surveillance and monitoring in the NWHI. The cost of surveillance and monitoring of the Reserve or who will bear the costs have yet to be determined. The enforcement costs in the draft ROP are the best projections at this point in time.

7. *Comment:* NOAA's marine debris cleanup efforts should focus on areas that pose a high risk of monk seal entanglement (*i.e.*, adjacent to places where monk seal pups are born and where young seals may learn to swim and feed). Given the magnitude of the debris problem and the length of time that will likely be required to adequately cleanup the entire region, the Marine Mammal Commission continues to believe that it is necessary to prioritize areas for clean up. Therefore, the ROP should indicate the highest priority need is to remove debris from areas of particular importance to monk seals.

*Response:* The Desired Outcome of the Marine Debris Action Plan of the ROP was expanded to read "To reduce threats by marine debris to natural resources in the Reserve and neighboring waters with an emphasis on preventing endangered species entanglement." The following statement was also added "Areas identified as most important for marine debris removal should be consistent with endangered species recovery efforts, such as monk seal recovery."

8. *Comment:* The ROP does not contain enough background information on the four fisheries (lobster, pelagic

species, bottomfish, and precious coral) undertaken or proposed in recent years in the NWHI. This lack of information on current NWHI stocks, allowable fishing levels, and efforts to manage these fisheries stands in sharp contrast to the more detailed discussions of other resources such as cultural and historic resources. Its brevity is inappropriate given the major focus on fishery management needs and measures in the Executive Orders. The discussion should be expanded and included in a separate action plan on fisheries.

*Response:* The NMSP believes the ROP contains adequate descriptions of fisheries for the purposes of implementing the Executive Order. Sanctuary designation requires an Environmental Impact Statement (EIS). The EIS will contain detailed background information on the relevant fisheries, will include a thorough analysis of issues associated with fishing activities, and will also assess management implications to fishing activities.

9. *Comment:* The ROP should implement a mandatory domestic Vessel Monitoring System (VMS).

*Response:* The Executive Order does not state that a vessel monitoring system be mandatory; rather it directs the ROP to consider the use of VMS, if warranted (see Sec 5(b)(10) of EO 13178).

#### **Reserve Operations Plan**

The EO directs that the ROP shall be directed at priority issues and actions. The EO also directs that the ROP should address such issues as coordinated management among the agencies with relevant jurisdiction in the Northwestern Hawaiian Islands, clean up and prevention of marine debris, restoration of degraded or injured resources, research and education, enforcement and surveillance, identification and coordination with Native Hawaiian interests on cultural uses and locations, and designation of the Reserve as a National Marine Sanctuary.

The NMSP prepared the revised draft Reserve Operations Plan, following templates used for the management plans of the National Marine Sanctuary Program. The document is composed of a set of function- and issue-oriented action plans (as topically identified in the Executive Order), with supporting documentation. Each action plan focuses on strategies, and outlines what, who, why, when, and how different activities will be conducted. Following is a list of the action plans contained in the final Reserve Operations Plan:

- Operations: includes interagency coordination, activity and area

identification, Reserve/Sanctuary Advisory Council operations, development of fishing caps and permitting procedures, and infrastructure development;

- Education: encompasses all education, outreach, and interpretive projects;
- Native Hawaiian Cultural Resources: consists of all projects related to Native Hawaiian culture, uses, and locations;
- Maritime Heritage: contains projects related to maritime historic resources;
- Research and Monitoring: contains all projects related to research and monitoring;
- Mapping: covers all projects related to developing nautical charts and maps of the NWHI;
- Response, Damage Assessment, and Restoration: contains projects related to contingency planning, response, and restoration;
- Marine Debris: consists of projects related to the removal of marine debris from the NWHI;
- Enforcement: includes air and sea support for existing enforcement operations and expansion of a vessel monitoring system; and
- Designation: comprised of all projects related to the Sanctuary designation process.

The ROP provides a guide for management of the Reserve during the time necessary to consider the Northwestern Hawaiian Islands for designation as a National Marine Sanctuary. The designation process is currently underway (January 19, 2001, 66 FR 5509).

**Authority:** Pub. L. 106-513; Executive Order 13178; and Executive Order 13196.

Dated: October 7, 2004.

**Richard W. Spinrad,**

*Assistant Administrator, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

[FR Doc. 04-23165 Filed 10-14-04; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Public Comment for Enhancement of the Initial Integrated Ocean Observing System (IOOS)**

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

**ACTION:** Notice of opportunity for written public comment.

**SUMMARY:** This notice announces the opportunity for the public to comment

on the First Annual Integrated Ocean Observing System (IOOS) Development Plan, available on October 15, 2004 at [www.ocean.us](http://www.ocean.us). Comments are due not later than close of business on Monday, November 1, 2004 and should be submitted via e-mail to [k.stump@ocean.us](mailto:k.stump@ocean.us) or in writing to Ms. Kristine Stump; Ocean.US; 2300 Clarendon Boulevard, Suite 1350; Arlington, VA 22201.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this Notice, please contact Ms. Kristine Stump, Ocean.US Telephone: (703) 588-0855. E-mail: [k.stump@ocean.us](mailto:k.stump@ocean.us).

**SUPPLEMENTARY INFORMATION:** Ocean.US is the national office for the integrated and sustained ocean observing system. Ocean.US has conducted several workshops and has completed a draft of the preliminary First Annual IOOS Development Plan, which, along with reports of the workshops, can be reviewed at [www.ocean.us](http://www.ocean.us). IOOS will be a sustained network of sensors on buoys, ships, satellites, underwater vehicles, and other platforms that routinely supply the data and information needed for rapid detection and timely predictions of changes in our nation's coastal waters and on the high seas. An initial IOOS consisting of existing systems has been identified, and needs for enhancements have been submitted by stakeholders. The First Annual IOOS Implementation Conference, convened August 31-September 2, 2004, allowed stakeholders to review and prioritize IOOS enhancements. Results of the conference may be obtained by contacting Ms. Kristine Stump ([k.stump@ocean.us](mailto:k.stump@ocean.us)).

Dated: October 8, 2004.

**Richard W. Spinrad,**

*Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

[FR Doc. 04-23163 Filed 10-14-04; 8:45 am]

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**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh**

October 8, 2004.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner, Bureau of Customs and Border Protection adjusting limits.

**EFFECTIVE DATE:** October 15, 2004.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the Bureau of Customs and Border Protection website at <http://www.cbp.gov>. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 340/640 is being increased for swing, reducing the limit for Category 341 to account for the swing being applied to Categories 340/640.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 69 FR 4926, published on February 2, 2004). Also see 68 FR 59915, published on October 20, 2003.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

October 8, 2004.

Commissioner,  
*Bureau of Customs and Border Protection,  
Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 14, 2003, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2004 and extends through December 31, 2004.

Effective on October 15, 2004, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit <sup>1</sup>
340/640 .....	6,460,573 dozen.