

Information Solicited

For the original status review, NMFS solicited information concerning the status of killer whale populations world wide with emphasis in the Eastern North Pacific Ocean from California to Alaska (66 FR 42499, August 13, 2001). Specifically, the agency requested available information on: (1) historical and current known ranges of resident (fish eating) and transient (mammal-eating) killer whales; (2) spatial and seasonal distribution with particular focus on current and historical habitat utilization; (3) genetic variability in resident, transient, and offshore killer whale populations; (4) demographic movements among resident or transient killer whales; (5) trends in killer whale foraging habits and seasonal prey abundance; (6) trends in environmental contamination by persistent organic pollutants (e.g., polychlorinated-biphenyls (PCBs) including congener specific data) as well as other contaminants (e.g. toxic metals); (7) contaminant burdens in prey species, especially salmonids; (8) impacts caused by human recreational activities (e.g., whale watching, boating); (9) historic removals of killer whales including human caused mortality associated with live capture operations, military activities, or fisheries interactions; (10) current or planned activities and their possible impacts on this species (e.g., removals or habitat modifications); (11) efforts being made to protect resident killer whales or improve their habitat; and (12) non-human related factors that may have contributed to the recent decline of the Southern Resident killer whale (i.e., climatic or oceanographic regime shifts, diseases, biotoxins).

NMFS also requested information describing the quality and extent of marine habitats for Southern Resident killer whales, as well as information on areas that may qualify as critical habitat. Information on areas that include the physical and biological features essential to the recovery of the species was requested. Essential features include, but are not limited to the following: (1) habitat for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and rearing of offspring; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species. NMFS also requested information and maps describing natural and manmade

changes within the species' current and historical range in the Eastern North Pacific Ocean from California to Alaska. For areas potentially qualifying as critical habitat, NMFS requested information describing (1) the activities that affect the area or could be affected by the designation, and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation. Comments on Southern Resident killer whales and critical habitat were received through October 12, 2001.

To ensure that the current status review update is comprehensive and based on the best available data, NMFS is soliciting information obtained since October 2001 on the above topics, as well as information available on resident, transient and offshore killer whale (1) behavior; (2) communication; (3) reproductive biology and dispersal patterns; (4) genetics; (5) skeletal and color pattern morphology; (6) potential impacts of additional human related activities (e.g., marine noise, oil spills); and (7) cetacean taxonomy, as they relate to the status of killer whales in the North Pacific and in a global context.

References

A complete list of all references used in this notice and other information related to the status of this stock of killer whales is available via the Internet (see Electronic Access) or upon request (see ADDRESSES).

Dated: February 25, 2004.

P. Michael Payne,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021904A]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a 1-year letter of

authorization (LOA) has been issued to the 30th Space Wing, U.S. Air Force to harass seals and sea lions incidental to rocket and missile launches on Vandenberg Air Force Base (VAFB), California. The LOA was issued on February 25, 2004.

ADDRESSES: The letter of authorization and supporting documentation are available for review during regular business hours in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and the Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Kimberly Skrupky, Office of Protected Resources, NMFS, (301) 713-2322, or Monica DeAngelis, NMFS, (562) 980-4023.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers 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 regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of seals and sea lions incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg Air Force Base, CA were published on February 06, 2004 (69 FR 5720), and remain in effect until February 06, 2009.

Issuance of this letter of authorization is based on a finding, made in the final rulemaking, that the total takings will have no more than a negligible impact on the seal and sea lion populations off

the Vandenberg coast and on the Northern Channel Islands.

Dated: February 25, 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. 022404B]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Law Enforcement Advisory Panel (LEAP).

DATES: This meeting will be held on Tuesday, March 16, 2004 from 1 p.m. to 5 p.m.

ADDRESSES: This meeting will be held at the Holiday Inn Chateau LeMoyné, 301 Rue Dauphine, New Orleans, LA 70112; telephone: 1-800-747-3279.

Council address: Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The LEAP will convene to review possible changes to the NMFS 2005 commercial shark fishing seasons. The LEAP will also review scoping documents that would potentially limit access in the commercial king mackerel and reef fish fisheries to replace the existing moratoria. A scoping document that would potentially allow marine aquaculture will also be reviewed along with a scoping document to potentially extend the existing moratorium on the issuance of new charter vessel permits. The LEAP will also review draft amendments that would establish rebuilding plans for red snapper and vermilion snapper in the Gulf, and scoping options for a variety of management measures pertaining to the Coastal Migratory Pelagics Fishery Management Plan.

The LEAP consists of principal law enforcement officers in each of the Gulf

states as well as NMFS, the U.S. Coast Guard, and NOAA General Counsel. A copy of the agenda and related materials can be obtained by calling the Council office at 813-228-2815.

Although other non-emergency issues not on the agendas may come before the LEAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meetings. Actions of the LEAP will be restricted to those issues specifically identified in the agenda 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 action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Trish Kennedy at the Council (see **ADDRESSES**) by March 9, 2004.

Dated: February 25, 2004.

Peter H. Fricke,

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

[FR Doc. 04-4607 Filed 3-1-04; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022404C]

Mid-Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Research Set Aside (RSA) Committee, Executive Committee, and Fisheries Issues Focus Committee will hold public meetings.

DATES: The meetings will be held Tuesday, March 16, through Thursday, March 18, 2004. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: This meeting will be held at the Shell Island Resort Hotel, 2700 N. Lumina Avenue, Wrightsville Beach, NC; telephone: 910-256-8696.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION:

Tuesday, March 16, 2004

10 a.m. until noon The Council will tour a local area Summer Flounder and Black Sea Bass Mariculture Facility.

1 p.m. to 3:30 p.m. The Research Set Aside Committee will meet.

3:30 p.m. to 5 p.m. The Executive Committee will meet.

6:30 p.m. to 9 p.m. There will be a New England Council Scoping Hearing on its Omnibus Essential Fishing Habitat (EFH) Amendment.

Wednesday, March 17, 2004

8 a.m. to 10 a.m. The Fisheries Issues Focus Committee will meet.

10 a.m. until 3:30 p.m. The Council will meet.

4 p.m. to 8 p.m. The Council will visit the Wrightsville Beach U.S. Coast Guard (USCG) Station.

Thursday, March 18, 2004

8 a.m. until noon The Council will meet.

Agenda items for the Council's committees and the Council itself are: Describe and discuss the RSA program and 2005 Request for Proposal (RFP), review RSA grants review/approval process, discuss possible RSA program improvements, discuss how the RSA program should be incorporated into NMFS science and management programs; Review the Council's selection criteria for industry advisors, and address future committee items; Discuss how slot sizes may be used in recreational fisheries, address using market forces to mitigate impacts of restrictive fishery regulations, discuss Marine Recreational Fishery Statistics Survey (MRFSS) Program and its implications for future, review and discuss Council's October 2003 action regarding summer flounder petition; Review Framework 5 options regarding multi-year setting of specifications for summer flounder, scup and black sea bass; Receive a presentation on seafood labeling and an overview of current USCG operations and issues; the Council will also receive and discuss organizational and committee reports including the New England Council's report regarding possible actions on herring, groundfish, monkfish, red crab, scallops, skates, and whiting, the South