

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802, (562-980-4021).

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 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. 1042-1736.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301-713-2289).

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant requests authorization to obtain California sea lion and Pacific harbor seal pups post-rehabilitation, stranded in the earlier stages of maternal care with decreased chances of post-release survival due to their extended period of human care and possible imprintation on people. California sea lion pups would be primarily females. Harbor seal pups of either sex will be considered. The applicant requests this permit for the purpose of public display. The receiving facility, Animal Training and Research, International is: (1) open to the public on regularly scheduled basis with access that is not limited or restricted other than by charging for an admission fee; (2) offers an educational program based on professionally accepted standards of the Alliance for Marine Mammal Parks and Aquariums; and (3) holds an Exhibitor's License, number 93-C-0626, issued by the U.S. Department of Agriculture under the Animal Welfare Act (7 U.S.C. 2131-59).

In addition to determining whether the applicant meets the three public display criteria, NMFS must determine whether the applicant has demonstrated that the proposed activity is humane

and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself, or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 12, 2004.

Amy C. Sloan,

Acting 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

[Docket No. 040227075-4075-01; I.D. 022304B]

National Marine Fisheries Service National Gravel Extraction Guidance

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

ACTION: Notice of availability to review and comment on draft National Marine Fisheries Service Gravel Extraction Guidance.

SUMMARY: NOAA Fisheries encourages all stakeholders, users, and the public to review the draft NOAA Fisheries Gravel Extraction Guidance. All comments received will be reviewed and considered in the final drafting of the Gravel Extraction Guidance.

DATES: Public comments must be received on or before 5 p.m., local time, May 3, 2004.

ADDRESSES: Comments on this guidance document may be submitted by email to Gravel.guidance@noaa.gov, or faxed to 301-427-2571, or mailed to Gravel Guidance, 1315 East-West Hwy, Room 14108, Silver Spring, MD 20910.

The draft NOAA Fisheries Gravel Extraction Guidance is available at <http://www.nmfs.noaa.gov/habitat> or by sending a request to Gravel.guidance@noaa.gov. Please include appropriate contact information when requesting the document.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin at 301-713-4300.

SUPPLEMENTARY INFORMATION: NOAA Fisheries is responsible for protecting, managing and conserving marine, estuarine, and anadromous fish resources and their habitats. The watersheds of the United States where sand and gravel mining takes place provide essential spawning and rearing habitat for anadromous fish including salmon, shad, sturgeon, and striped bass. A national guidance document on gravel extraction will assist NOAA Fisheries staff in determining whether proposed gravel extraction operations will be conducted in a manner that is consistent with Federal law, and that eliminates or minimizes any adverse impacts to anadromous fish and their habitats.

The recommendations incorporated into the guidance document are suggestions, and are not intended to be binding in any way. This guidance does not specify the measures, if any, that would need to be implemented by parties engaged in gravel extraction activities in any given case to comply with applicable statutory requirements. In formulating its recommendations or prescriptions, NOAA Fisheries will determine the acceptable means of demonstrating compliance with statutory requirements based on information available to the agency, as appropriate under the circumstances presented. As such, the language of the guidance document should not be read to establish any binding requirements on agency staff or the regulated community. The recommendations should not be regarded as static or inflexible, and are meant to be revised as the science upon which they are based improves and areas of uncertainty are resolved. Furthermore, the recommendations are meant to be adapted for regional or local use, so a degree of flexibility in their interpretation and application is necessary.

Dated: March 11, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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