

one of which is nearly always deployed as a day boat. These ROVs are the only ones located on the west coast of the U.S. operated by an oceanographic institute.

- One of MBARI's joint projects with the Monterey Bay Aquarium, Education, and Research: Testing Hypothesis (EARTH) provides wide public and educational benefits.

- Smooth Ridge is located on the west side of the San Gregorio fault line, critical for seismic studies, and is close to several well established chemosynthetic biological communities. It also provides a location that is within easy reach of the active upper section on Monterey Canyon.

Project Installation

The proposed science node, located approximately 891 meters below the ocean surface, will provide eight science ports for oceanographic instruments. Extension cable can be plugged into any science port to provide power and communications up to 3.5 km away from the original node. By supplying both data links and electrical power, the network will allow real-time, continuous, and long-term monitoring of conditions beneath the surface of the bay.

The applicant proposes to bury the cable along most of the route to a depth of one meter, where feasible, using a hydraulically operated plow that is towed by a cable installation vessel. The plow would cut a narrow trench for the cable and bury the cable. In areas where the cable cannot be buried with this method, the cable would be laid on the sea bottom and would be post lay buried by jetting, where feasible. Some portions of the cable would remain unburied due to potentially hard seafloor substrate and exposed rocks. In the nearshore area, the cable would be installed in an existing pipeline that extends from 153 meters offshore to the proposed landing site located in Moss Landing and owned by Duke Energy.

The applicant anticipates the cable would operate for a minimum of 25 years. The scope of the EIS will address the offshore area from shore to the end of the cable.

II. Summary of Environmental Issues

MBNMS has made a determination that the issuance of a permit for this activity would require the preparation of an EIS pursuant to NEPA, the Council on Environmental Quality (CEQ) implementing regulations (40 CFR Parts 1500 through 1508), and NOAA's implementing guidelines on NEPA codified in NOAA Administrative Order 216-6.

The installation, maintenance, and eventual decommissioning and removal of the cable pose potentially significant impacts upon Sanctuary resources and qualities. The EIR/EIS will address onshore and offshore environmental effects of cable construction, operation, maintenance, repair and removal.

A preliminary listing of issues to be discussed in the EIS is provided below. Additional issues may be identified at the public scoping meeting and in written comments.

- Air Quality—short-term air quality effects from construction equipment, vehicle, and vessel emissions.

- Biological Resources—effects on benthic communities, rocky hard-bottom communities, plankton, fish, marine birds, marine mammals, and marine turtles from construction disturbances (e.g., cable laying, boat anchoring, increased turbidity), release of contaminants, or entanglement; direct or indirect effects on sensitive species and habitats.

- Commercial and Recreational Fishing—effects on fisheries and fisheries operations, including construction interference with fishing activities, potential loss of catch, potential accidents (e.g., fishing net entanglement), and long-term preemption of fishing grounds.

- Cultural Resources—potential for impacts on cultural resources that may be buried along the proposed cable route.

- Environmental Justice—potential to cause disproportionate effects on minority and/or low-income populations within the project impact area. Such populations may include, but not be limited to, those in the local fishing industry.

- Geology and Soils—geologic hazards and physical effects on the cable (e.g., submarine landslides and erosion).

- Marine Water Quality—trenching effects on the water column (e.g., sediment plume, benthic disruption, and siltation) or contamination from accidental spills.

- Noise—increased noise levels from construction and maintenance operations.

- Marine Vessel Traffic—cable installation vessel interference with commercial and recreational vessel navigation.

- Strumming—lateral movement of the cable along the seafloor, which may impact the marine environment.

III. Alternatives

In addition to the applicant's proposed action, the EIS will, at a

minimum, consider the following project alternatives:

- *No Project/No-Action Alternative:* The EIS will examine the impacts of not approving the proposed action.

- *Alternative Offshore Locations:* The EIS will consider alternative routing and landing locations in the vicinity of the project within Monterey Bay and in proximity to the MBARI facilities.

- *Alternative Means of Obtaining Data:* The EIS will examine the feasibility of utilizing buoys and other means to accomplish the project objectives.

IV. Comments

MBNMS would like public comments on the following:

1. Comments about the scope of issues that should be evaluated in the EIS concerning this proposal;

2. Comments regarding the expected impacts of this project on the environment of the MBNMS and the overall significance of those impacts;

3. Recommendations on mitigation measures and permit conditions that would eliminate or minimize the impacts of this project on the MBNMS or the environment generally should the permit be issued;

4. Recommendations for specific monitoring programs or plans that would allow the MBNMS Superintendent to know the effectiveness of mitigation measures and conditions; and

5. Comments on other alternatives or technologies that meet the research objectives.

V. Future Public Involvement

Additional opportunities for public review will be provided when the Draft EIR/EIS is completed. A notice of availability (NOA) of the Draft EIR/EIS will be published in the **Federal Register**.

VI. Special Accommodations

The scoping meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Deirdre Hall, at the MBNMS, (831) 647-4207, at least five (5) days prior to the meeting date.

Richard W. Spinrad,

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

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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