

diversions and conveyance facilities on the Dungeness River (covered activities) near the City of Sequim in Clallam County, Washington. These covered activities can be summarized as follows:

- Water diversion and conveyance;
- Operation and maintenance of diversion facilities such as diversion intakes, intake channels, headgates, fish screens, and bypass channels;
- Maintenance of canals and laterals;
- Discharge of tailwater (including both irrigation water and intercepted stormwater);
- Releases of intercepted stormwater into selected creeks at points other than tailwater discharge points when stormwater flows exceed ditch capacity; and
- Construction activities related to capital projects provided in the CP.

The Association has a board of directors representing respective districts and companies, and appoints a Water Coordinator to assist in overall water resource management. The Association has the ability to adopt policies, rules, and regulations that apply to all of its members, and retains the authority to enter into agreements with outside organizations.

The Association has informed the Services of its proposal to submit a conservation plan (CP) and application for an ITP under section 10(a)(1)(B) of the ESA. The proposed CP and ITP would cover various activities relating to the Association's continued diversion and delivery of water from the Dungeness River, Washington, and other sources, as well as planned infrastructure improvements intended to conserve listed and unlisted species. The geographic areas to be covered are located in eastern Clallam County, Washington. More information on the geographic area can be found at an Internet site maintained by Clallam County: http://www.clallam.net/Maps/html/mapindex_e.htm.

Species for which the Association seeks ITP coverage include four ESA-listed threatened species (Coastal-Puget Sound bull trout, Puget Sound chinook salmon, Hood Canal summer-run chum salmon, bald eagle) and nine unlisted species that may be affected by the Association's activities in the Dungeness River Watershed.

To obtain an ITP, the Association must prepare a CP that meets the issuance criteria established by the Services (50 CFR 17.22 and 222.307). Federal approval of an ITP and associated CP require environmental review under the NEPA. The Services will complete an EIS evaluating the environmental effects of the

Association's operations under its proposed CP.

Under NEPA, a reasonable range of alternatives to a proposed project must be developed and considered in the Services' environmental review. At a minimum, the alternatives developed must include: (1) No Action alternative, and (2) the Proposed Action, with thorough descriptions of its management features and anticipated resource conservation benefits and potential impacts.

The Services are currently in the process of developing alternatives for analysis, and have considered analyzing the following:

Alternative 1: No Action: Under the No Action Alternative, an ITP would not be issued by the Services, there would not be a commitment to implement the CP (although it is expected that improvements will be made on an uncertain schedule), and ESA assurances under section 10 would not be provided to the Association;

Alternative 2: The Proposed Action - Implement the CP: There would be full implementation of the CP, which includes a variety of infrastructure improvement projects, and operation and maintenance procedures to improve in-stream flow and to reduce other impacts from irrigation structures and practices;

Alternative 3: Certain water conservation projects contained under the Proposed Action (potentially impacting certain wetlands) would not be implemented (i.e., partially implementing the CP);

Alternative 4: The CP would be modified by adding the piping of nearly all of the ditches in the Association members' irrigation systems, approximately 2 miles (3.2 kilometers) of small portions of ditches.

Additional project alternatives may be developed based on input received from this and future scoping during development of the EIS.

The Services provide this notice to: (1) advise other agencies and the public of our intentions; and (2) obtain suggestions and information on the scope of issues to include in the EIS. The Services are considering whether there is sufficient interest to schedule scoping meetings. If meetings are held, details of where and when will be provided by future notice so the public will be able to plan to participate. Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to this proposed action and all significant issues are identified. The Services request that comments be as specific as possible. In particular, we request

information regarding: the direct, indirect, and cumulative impacts that implementation of the proposed CP could have on endangered and threatened and other covered species, and their communities and habitats; other possible alternatives that meet the purpose and need; potential adaptive management and/or monitoring provisions; funding issues; existing environmental conditions in the City of Sequim area of Clallam County; other plans or projects that might be relevant to this proposed project; and minimization and mitigation efforts.

In addition to considering potential impacts on listed and other covered species and their habitats, the EIS could include information on potential impacts resulting from alternatives on other components of the human environment. These other components could include air quality, water quality and quantity, geology and soils, cultural resources, socioeconomic resources, vegetation, and environmental justice.

Comments or questions concerning this proposed action and the environmental review should be directed to the USFWS or NMFS at the addresses or telephone numbers provided above. All comments and material received, including names and addresses, will become part of the administrative record and may be released to the public.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500–1508), other appropriate Federal laws and regulations, and policies and procedures of the Services for compliance with those regulations.

Dated: November 30, 2004.

David J. Wesley,

Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

Dated:

Nancy K. Daves,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–27433 Filed 12–14–04; 8:45 am]

BILLING CODES 3510–22–S, 4310 55 S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 110404C]****Endangered Species; File No. 1510**

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that the Liberty Science Center (Richard Weddle, Principal Investigator), 251 Phillip Street, Jersey City, New Jersey 07305, has applied in due form for a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of enhancement through educational display.

DATES: Written, telefaxed, or e-mail comments must be received on or before January 14, 2005.

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 Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371.

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. 1510.

FOR FURTHER INFORMATION CONTACT: Jennifer Jefferies or Amy Sloan, (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 Liberty Science Center proposes to receive and use five captive-bred, non-releaseable shortnose sturgeon for the purpose of educational display. The proposed project of displaying endangered cultured shortnose sturgeon responds directly to a recommendation from the NMFS recovery outline for this species. In addition, the facility would create a public education program and exhibit to increase awareness of the shortnose sturgeon and its status. The proposed project would educate the public on shortnose sturgeon life history and the reasons for its declining numbers.

Dated: December 9, 2004.

Jennifer Skidmore,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04-27430 Filed 12-14-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 120604A]****Marine Mammals; File No. 87-1593**

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Daniel Costa, Ph.D., University of California, Santa Cruz, Long Marine Lab, 100 Shaffer Road, Santa Cruz, CA 95060, has been issued an amendment to Permit No. 87-1593 conduct scientific research on southern elephant seals (*Mirounga leonina*).

ADDRESSES: The permit 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 Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

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

SUPPLEMENTARY INFORMATION: On July 15, 2004, notice was published in the **Federal Register** (69 FR 42424) that a request for a permit amendment to take the species identified above had been submitted by the above-named individual. The requested amendment has been issued 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 permit holder is authorized to capture, sedate, tag (flipper and instrument), sample, and release up to 30 adult southern elephant seals; tag and weigh up to 50 immature elephant seals; conduct population censusing; and incidentally disturb up to 100 elephant seals during research. The purpose of this project is to examine the foraging behavior and habitat utilization of the southern elephant seal in the Western Antarctic Peninsula.

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

Dated: December 8, 2004.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04-27431 Filed 12-14-04; 8:45 am]

BILLING CODE 3510-22-S

DEFENSE NUCLEAR FACILITIES SAFETY BOARD**[Recommendation 2004-2]****Active Confinement Systems**

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice, recommendation.

SUMMARY: The Defense Nuclear Facilities Safety Board has unanimously approved Recommendation 2004-2, for DOE to consider. Recommendation 2004-2 deals with the confinement of hazardous materials at defense nuclear facilities in the Department of Energy complex.

DATES: Comments, data, views, or arguments concerning the recommendation are due on or before January 14, 2005.

ADDRESSES: Send comments, data, views, or arguments concerning this recommendation to: Defense Nuclear