

**SUMMARY:** The purpose of this notice is to notify all interested parties that the Agricultural Marketing Service (AMS) will hold a Fruit and Vegetable Industry Advisory Committee (Committee) meeting that is open to the public. The U.S. Department of Agriculture (USDA) established the Committee to examine the full spectrum of issues faced by the fruit and vegetable industry and to provide suggestions and ideas to the Secretary of Agriculture on how USDA can tailor its programs to meet the fruit and vegetable industry's needs. This notice sets forth the schedule and location for the meeting.

**DATES:** Tuesday, January 11, 2005, from 8 a.m. to 1 p.m., and Wednesday, January 12, 2005, from 8 a.m. to 2 p.m. As part of the meeting, Committee members will tour the National Training and Development Center on Tuesday, January 11, 2005, from 2 p.m. to 4 p.m.

**ADDRESSES:** The Committee meeting will be held at the Hilton Hotel, 1767 King Street, Alexandria, VA. The tour of the National Training and Development Center will take place at 100 Riverside Parkway, Suite 101, Fredericksburg, VA.

**FOR FURTHER INFORMATION CONTACT:** Andrew Hatch, Designated Federal Official, USDA, AMS, Fruit and Vegetable Programs. Telephone: (202) 690-0182. Facsimile: (202) 720-0016. E-mail: [andrew.hatch@usda.gov](mailto:andrew.hatch@usda.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App. II), the Secretary of Agriculture established the Committee in August 2001 to examine the full spectrum of issues faced by the fruit and vegetable industry and to provide suggestions and ideas to the Secretary on how USDA can tailor its programs to meet the fruit and vegetable industry's needs. The Committee was re-chartered in July 2003 and new members were appointed from industry nominations.

AMS Deputy Administrator for Fruit and Vegetable Programs, Robert C. Keeney, serves as the Committee's Executive Secretary. Representatives from USDA mission areas and other government agencies affecting the fruit and vegetable industry will be called upon to participate in the Committee's meetings as determined by the Committee Chairperson. AMS is giving notice of the Committee meeting to the public so that they may attend and present their recommendations. Reference the date and address section of this announcement for the time and place of the meeting.

Topics to be discussed include: Perishable Agricultural Commodities Act branch reorganization status and

transportation issues, crop insurance, the Regulatory Flexibility Act, the school lunch procurement study, Fruit and Vegetable Dispute Resolution Corporation overview, and ways that USDA programs can encourage increased consumption of fruits and vegetables. Those parties that would like to speak at the meeting should register on or before January 5, 2005. To register as a speaker, please e-mail your name, affiliation, business address, e-mail address, and phone number to Mr. Andrew C. Hatch at: [andrew.hatch@usda.gov](mailto:andrew.hatch@usda.gov) or facsimile to (202) 720-0016. Speakers who have registered in advance will be given priority. Groups and individuals may submit comments for the Committee's consideration to the same e-mail address. The meeting will be recorded, and information about obtaining a transcript will be provided at the meeting.

The Secretary of Agriculture selected a diverse group of members representing a broad spectrum of persons interested in providing suggestions and ideas on how USDA can tailor its programs to meet the fruit and vegetable industry's needs. Equal opportunity practices were considered in all appointments to the Committee in accordance with USDA policies.

If you require special accommodations, such as a sign language interpreter, please use either contact name listed above.

Dated: December 10, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-27427 Filed 12-14-04; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement (NAFTA), Article 1904 NAFTA Panel Reviews; Decision of the Committee

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of corrected decision of Extraordinary Challenge Committee.

**SUMMARY:** On October 7, 2004 the Extraordinary Challenge Committee (ECC) issued its decision in the matter of Pure Magnesium from Canada, Secretariat File No. ECC-2003-1904-01USA. On November 12, 2004, the Extraordinary Challenge Committee issued a correction to their decision.

The corrections do not alter the substance of the opinion.

#### FOR FURTHER INFORMATION CONTACT:

Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**Committee Decision:** The Committee concluded that the panel manifestly exceeded its powers by failing to apply the correct standard of review; such action materially affected the Panel's decision, but; that the Panel's action did not threaten the integrity of the binational panel review process.

Accordingly the challenge was dismissed and by virtue of section 3 of NAFTA Annex 1904.13 the challenged panel decision stands affirmed. The Committee, however, discovered some minor errors in the decision and has provided a corrected version. Copies of the corrected decision are available from the NAFTA Secretariat.

Dated: December 7, 2004.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. E4-3673 Filed 12-14-04; 8:45 am]

**BILLING CODE 3510-GT-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Pedro Vidal From an Objection by the Puerto Rico Planning Board

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).

**ACTION:** Notice of closure—administrative appeal decision record.

**SUMMARY:** This announcement provides notice that the decision record has been closed for an administrative appeal filed with the Department of Commerce by Pedro Vidal.

**DATES:** The decision record for the Pedro Vidal administrative appeal will close as of the date of publication of this notice.

**ADDRESSES:** Materials from the appeal record are available at the Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Briscoe, Attorney-Adviser, NOAA Office of the General Counsel, 301-713-1219.

**SUPPLEMENTARY INFORMATION:** Pedro Vidal (Appellant) has filed a notice of appeal with the Secretary of Commerce (Secretary) pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1456(c)(3)(A), and implementing regulations found at 15 CFR part 930, subpart H. Mr. Vidal appeals on objection raised by the Puerto Rico Planning Board to a consistency certification contained within Vidal's application for a U.S. Army Corps of Engineers permit necessary to reconstruct a stilt house destroyed by Hurricane George. The proposed project is located within the maritime-terrestrial zone, territorial waters and submerged lands of the Commonwealth of Puerto Rico.

The CZMA requires a notice be published in the **Federal Register**, indicating the date on which the decision record has been closed. A final decision on this appeal must be issued no later than 90 days after publication of this notice. 16 U.S.C. 1465(a). The deadline may be extended by publishing, within the 90-day period, a subsequent notice explaining why a decision cannot be issued within this time frame. In this event, a final decision must be issued no later than 45 days after publication of the subsequent notice. 16 U.S.C. 1465(b).

For additional information about this appeal contact Nancy Briscoe, 301-713-1219.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

Dated: December 6, 2004.

**James R. Walpole,**

*General Counsel.*

[FR Doc. 04-27415 Filed 12-14-04; 8:45 am]

**BILLING CODE 3510-08-M**

## DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric Administration**

## DEPARTMENT OF THE INTERIOR

**U.S. Fish and Wildlife Service**

[I.D. 100104A]

### **Notice of Intent to Conduct Public Scoping and Prepare an Environmental Impact Statement**

**AGENCIES:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce; U.S. Fish and Wildlife Service (USFWS), Interior.

**ACTION:** Notice of intent to conduct public scoping and prepare an Environmental Impact Statement related to the Sequim-Dungeness Valley Agricultural Water Users Association's Conservation Plan.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) this notice advises the public that the USFWS and NMFS (collectively, the Services) intend to gather information necessary to prepare an Environmental Impact Statement (EIS). The EIS will analyze the potential approval of a Conservation Plan (CP) and issuance of two incidental take permits (ITP); one issued by NFMS and one by the USFWS. The ITP applicant is the Sequim-Dungeness Valley Agricultural Water Users Association (the Association) of Sequim, Washington. The ITP would allow take of four threatened species and nine unlisted species that may be affected by the Association's activities in accordance with section 10(a) of the Endangered Species Act of 1973, as amended (ESA).

**DATES:** Written comments are encouraged, and should be received on or before February 14, 2005.

**ADDRESSES:** Address comments and requests for information related to preparation of the EIS, or requests to be added to the mailing list for this project, to Tim Romanski, USFWS, 510 Desmond Drive S.E., Suite 102, Lacey, WA 98503-1263; facsimile (360)753-9518; or to Matt Longenbaugh, NMFS, 510 Desmond Drive S.E., Suite 103, Lacey, WA 98503-1273; facsimile (360)753-9517. Comments may be submitted by e-mail to the following address: [SDVAWUA-CP.nwr@noaa.gov](mailto:SDVAWUA-CP.nwr@noaa.gov). In the subject line of the e-mail, include the document identifier: The Sequim Association CP - EIS. Comments and materials received will be available to public inspection, by appointment, during normal business hours at the above addresses.

**FOR FURTHER INFORMATION CONTACT:** Tim Romanski, USFWS, (360)753-5823; or Matt Longenbaugh, NMFS, (360)753-7761.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The National Environmental Policy Act (NEPA) requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. The Services expect to take action on ESA section 10(a)(1)(B) permit applications anticipated from the Association. Therefore, the Services are seeking public input on the scope of the

required NEPA analysis, including the range of reasonable alternatives and associated impacts of any alternatives.

Section 9 of the ESA and implementing regulations prohibit the "taking" of a species listed as endangered or threatened. The term take is defined under the ESA as to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct (16 U.S.C. 1532(19)). Harm is defined by the USFWS to include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS' definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727; November 8, 1999).

Section 10 of the ESA contains provisions for the issuance of an ITP to non-Federal landowners for the take of endangered and threatened species, provided that all permit issuance criteria are met, including the requirement that the take is incidental to otherwise lawful activities, and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval, a CP containing a strategy for minimizing and mitigating the take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate monitoring and funding for the CP will be provided.

To pursue regulatory certainty of its existing and future water supplies, the Association is seeking an ITP that would provide long-term assurances for the reliability of water supplies. The Association needs an ITP because some of its activities have the potential to take listed species. The Association is composed of seven irrigation districts and private irrigation companies in the Sequim-Dungeness Valley area. The seven irrigation districts include Agnew Irrigation District, Clallam Ditch Company, Cline Irrigation District, Dungeness Irrigation Company, Dungeness Irrigation District, Highland Irrigation District, and Sequim-Prairie Tri-Irrigation Company. These seven irrigation districts divert water primarily from intakes in the Dungeness River and deliver water to users throughout the area.

The ITP application is related to the operation and maintenance of water