

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 071904E]

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 Gulf of Mexico

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 Gulf of Mexico 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 Dr. Richard Leard, Deputy Executive Director, Gulf of Mexico Fishery Management Council, The Commons at Rivergate, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; telephone 813-228-2815; fax 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Richard Leard, Council staff contact, 813-228-2815, or David Dale, NMFS staff contact, 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 shrimp, red drum, reef fish, stone crab, and coral and coral reef fishery management plans for the Gulf of Mexico and the spiny lobster and coastal migratory pelagic fishery management plans for the Gulf of Mexico and South Atlantic. The FEIS

evaluates alternatives for bringing the EFH Amendment into compliance with the EFH mandates of the Magnuson-Stevens Act. For each of the 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 June 25, 2004 (69 CFR 35597).

The ROD documents NMFS's decision to proceed, in cooperation with the Gulf of Mexico Fishery Management Council (Council) and the South Atlantic Fishery Management Council for the joint fishery management plans, with amending the shrimp, red drum, reef fish, stone crab, and coral and coral reef fishery management plans for the Gulf of Mexico and the spiny lobster and coastal migratory pelagic fishery management plans for the Gulf of Mexico and South Atlantic to implement the Council's preferred alternatives for identifying EFH and 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 the Council (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 23, 2004.

Rebecca Lent,

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

[FR Doc. 04-17317 Filed 7-28-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 070104G]

Marine Mammals; File No. 116-1729

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Sea World, Inc., 7007 Sea World Drive, Orlando, Florida 32821, has been issued a permit to import one beluga whale (*Delphinapterus leucas*) and one Commerson's dolphin (*Cephalorhynchus commersonii*) for the purposes of public display.

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;

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: Jennifer Skidmore or Jill Lewandowski, (301)713-2289.

SUPPLEMENTARY INFORMATION: On January 29, 2004, notice was published in the **Federal Register** (69 FR 4293) that a request for a public display permit to import one male, adult beluga whale and one male, adult Commerson's dolphin from the Duisburg Zoo, Germany to Sea World of California in San Diego, California. The requested permit 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).

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: July 23, 2004.

Stephen L. Leathery,

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

[FR Doc. 04-17318 Filed 7-28-04; 8:45 am]

BILLING CODE 3510-22-S