

Dated: June 4, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-13206 Filed 6-10-04; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 060704C]

**Proposed Information Collection; Comment Request; Assessing Stakeholder Attitudes and Concerns Toward Ecosystem Management**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before August 13, 2004.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Rita Curtis, Department of Commerce, NOAA, National Marine Fisheries Service, 1315 East West Highway, #12752, Silver Spring, MD 20910 (301-713-2328).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The objective of the survey will be to elicit the range of concerns regarding the use of ecosystem-based management measures, the types of goals and objectives that should be pursued (e.g., in developing guidelines), and overall attitudes and concerns regarding the use of ecosystem approaches in fisheries management. Given the increasing emphasis on ecosystem issues in the Councils and in impending legislation, the questionnaire survey is well timed to establish a baseline for outreach and

planning and as an approach that will potentially have applicability nationwide.

**II. Method of Collection**

The survey will be conducted as a mail survey.

**III. Data**

*OMB Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; not-for-profit institutions; Federal Government; state, local or tribal government.

*Estimated Number of Respondents:* 10,000.

*Estimated Time Per Response:* 20 minutes.

*Estimated Total Annual Burden Hours:* 3,333.

*Estimated Total Annual Cost to Public:* \$3,700.

**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 4, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-13207 Filed 6-10-04; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 060104B]

**Nominations for the Marine Fisheries Advisory Committee (MAFAC)**

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of request for nominations.

**SUMMARY:** The Marine Fisheries Advisory Committee (the "Committee") is the only Federal Advisory Committee with the responsibility to advise the Secretary of Commerce (Secretary) on all matters concerning living marine resources that are the responsibility of the Department of Commerce. The Committee makes recommendations to the Secretary to assist in the development and implementation of Departmental regulations, policies and programs critical to the mission and goals of the National Marine Fisheries Service. The Committee is composed of leaders in the commercial, recreational, environmental, academic, state, tribal, and consumer interests from the nation's coastal regions. The Department of Commerce is seeking up to four highly qualified individuals knowledgeable about fisheries and living marine resources to serve on the Committee.

**DATES:** Nominations must be postmarked on or before July 15, 2004.

**ADDRESSES:** Nominations should be sent to MAFAC, Office of Constituent Services, NMFS, 1315 East-West Highway, 9538, Silver Spring, Maryland 20910.

**FOR FURTHER INFORMATION CONTACT:** Laurel Bryant, Designated Federal Official; (301) 713-1276 x 171. E-mail: [Laurel.Bryant@noaa.gov](mailto:Laurel.Bryant@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The establishment of MAFAC was approved by the Secretary on December 28, 1970, and initially chartered under the Federal Advisory Committee Act, 5, U.S. C. App.2, on February 17, 1971. The Committee meets twice a year with supplementary subcommittee meetings as determined necessary by the Secretary. Individuals serve for a term of three years for no more than two consecutive terms if reappointed. No less than 15 and no more than 21 individuals may serve on the Committee. Membership is comprised of highly qualified individuals representing commercial and recreational fisheries interests, environmental organizations, academic institutions, governmental, tribal and consumer groups from a balance of geographical regions, including the Hawaiian and the Pacific Islands, and the U.S. Virgin Islands.

Nominations are encouraged from all interested parties involved with or representing interests affected by the Agency's actions in managing living

marine resources. Nominees should possess demonstrable expertise in a field related to the management of living marine resources and be able to fulfill the time commitments required for two meetings annually.

A MAFAC member cannot be a Federal agency employee or a member of a Regional Fishery Management Council. Selected candidates must have security checks and complete financial disclosure forms. Membership is voluntary, and except for reimbursable travel and related expenses, service is without pay.

Each submission should include the submitting person's or organization's name and affiliation, a cover letter describing the nominee's qualifications and interest in serving on the Committee, a curriculum vitae or resume of nominee, and no more than three supporting letters describing the nominee's qualifications and interest in serving on the Committee. Self nominations are acceptable. The following contact information should accompany each nominee's submission: name, address, phone number, fax number, and e-mail address if available.

Nominations should be sent to (see **ADDRESSES**) and nominations must be received by (see **DATES**). The full text of the Committee Charter and its current membership can be viewed at the Agency's web page at [www.nmfs.noaa.gov/mafac.htm](http://www.nmfs.noaa.gov/mafac.htm).

Dated: June 4, 2003.

**Rebecca Lent,**

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

[FR Doc. 04-13200 Filed 6-10-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 040517149-4149-01; I.D. 050304C]

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the United States; Essential Fish Habitat

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

**ACTION:** Notice of receipt of rulemaking petition to protect deep-sea coral and sponge habitat and request for comments.

**SUMMARY:** NMFS announces receipt of a petition for rulemaking under the

Administrative Procedure Act. Oceana, a non-governmental organization, has petitioned the U.S. Department of Commerce to promulgate a rule to protect deep-sea coral and sponge habitats in the United States' Exclusive Economic Zone (EEZ). The petition asserts that deep-sea coral and sponge communities are not adequately protected under existing fishery management plans (FMPs) or through pending rulemakings and that current efforts to identify and describe essential fish habitat (EFH) proceed too slowly to offer immediate protection to these habitats. The petition seeks a research and regulatory program that includes increased mapping of areas containing deep-sea coral and sponge habitat, and identification and description of such areas as both EFH and habitat areas of particular concern (HAPCs); increased protective measures for these habitats, including implementing additional closed areas, and increased enforcement and penalties; enhanced monitoring infrastructure for deep-sea corals and sponges; and increased funding for further research to identify, protect, and restore damaged deep-sea coral and sponge habitats.

**DATES:** Comments will be accepted through August 13, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- Federal e-Rulemaking Portal <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Email: [DSC-EFH@noaa.gov](mailto:DSC-EFH@noaa.gov)

Include in the subject line of the e-mail comment the following identifier: DSC Petition

- Mail: Mr. Rolland A. Schmitten, Director, Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC, 1315 East-West Highway, Silver Spring, MD 20910

- Fax: (301) 427-2572

The complete text of Oceana's petition is available via the internet at the following web address: [http://www.nmfs.noaa.gov/habitat/habitatconservation/DSC\\_petition/Oceana](http://www.nmfs.noaa.gov/habitat/habitatconservation/DSC_petition/Oceana). In addition, copies of this petition may be obtained by contacting NMFS at the above address.

**FOR FURTHER INFORMATION CONTACT:** Tom Hourigan at 301-713-3459 Ext. 122.

**SUPPLEMENTARY INFORMATION:** The petition filed by Oceana states that deep-sea coral and sponge communities are comprised of long-lived, slow-growing organisms that are especially vulnerable to destructive fishing practices, such as the use of bottom-tending mobile fishing gear. The petition cites that without immediate protection, many of these sensitive

deep-sea coral and sponge habitats will suffer irreparable harm.

The petition cites specific legal responsibilities of NMFS for EFH and HAPCs under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the EFH guidelines at 50 CFR 600, subparts J and K, and concludes that NMFS must: identify and describe deep-sea coral and sponge habitats as EFH; designate some, if not all, of these habitat types as HAPCs; and take appropriate measures to minimize to the extent practicable adverse fishing effects on this EFH; and protect such habitat from other forms of destructive activity. The petition gives a short overview of known deep-sea coral and sponge habitat in regions off the mainland United States, including areas known in the Alaska, Pacific, Northeast and Mid-Atlantic, Southeast, and Gulf of Mexico fishery management regions. The petition asserts that deep-sea coral and sponge habitats satisfy the definition of EFH in the Magnuson-Stevens Act and concludes that such areas must be identified and described as EFH under the relevant FMPs. In addition, the petition states that deep-sea coral and sponge habitats should be identified as HAPCs because they meet the definition of HAPC and satisfy one or more of the criteria set forth in the EFH guidelines for creating HAPCs. Further, the petition argues that the Magnuson-Stevens Act requires NMFS to protect areas identified as EFH and HAPC and that such protection, as articulated in the petition, is "practicable." Finally, the petition asserts that deep-sea coral and sponge habitats must be protected for its own sake, meaning if the Secretary does not protect such habitats through existing FMPs, the Magnuson-Stevens Act requires the Secretary and the Regional Fishery Management Councils to develop FMPs specifically for the protection of deep-sea corals and sponges.

The petition specifically requests that NMFS immediately initiate rulemaking to protect deep-sea coral and sponge habitats in the U.S. EEZ by taking the following measures:

"1. Identify, map, and list all known sponge areas containing high concentrations of deep-sea coral and sponge habitats;

"2. Designate all known areas containing high concentrations of deep-sea coral and sponge habitat as both EFH and 'habitat areas of particular concern' (HAPC) and close these HAPC to bottom trawling;

"3. Identify all areas not fished within the last three years with bottom-tending