

2003 (W. Beattie, NWIFC, e-mail to K. Schultz, NMFS, August 6, 2004). However, the Kendall Creek Hatchery, and the other chinook hatchery programs in Puget Sound are currently under review by NMFS for our evaluation and determination under limit 6 of the ESA 4(d) rule. Therefore, this finding regarding the Kendall Creek Hatchery chinook population is considered preliminary. The ERD was modified to reflect that the Puget Sound hatchery programs are being reviewed by a separate Limit 6 determination of the ESA 4(d) rule.

*Comment 29:* The commenter believes that the RMP lacks clarity in describing how it recognizes "Viable" and "Critical" concepts.

*Response:* See response to Comment 20 for NMFS' definition of a critical threshold, which is consistent with the VSP paper for a critical threshold. The regulations in the ESA 4(d) Rule require that the RMP must use the concepts of "viable" and "critical" thresholds in a manner so that fishery management actions; (1) recognize significant differences in risk associated with viable and critical population threshold states, and (2) respond accordingly to minimize long-term risks to population persistence. The RMP defines its own upper management and low abundance thresholds, but these are readily comparable to the NMFS-derived or VSP-derived viable and critical thresholds. The ESA 4(d) rule also requires that harvest actions that impact populations that are currently at or above their viable thresholds must maintain the population or management unit at or above that level. Fishing-related mortality on populations above critical levels but not at viable levels (as demonstrated with a high degree of confidence) must not appreciably slow rebuilding to viable function. Fishing-related mortality to populations functioning at or below their critical thresholds must not appreciably increase genetic and demographic risks facing the population and must be designed to permit achievement of viable functions, unless the RMP demonstrates the likelihood of survival and recovery of the entire ESU in the wild would not be appreciably reduced by greater risks to an individual population. Table 9 in the PEPD is the post-listing threshold classification and escapement trend since listing for Puget Sound chinook salmon populations. In the PEPD, NMFS found the RMP was responsive to the populations' status, when compared to the critical or viable thresholds, as required by the ESA 4(d) rule.

*Comment 30:* The commenter believes that there is a lack of consistency between the PEPD and RMP. The commenter received and reviewed information from WDFW regarding the co-managers' 2004 fishing plan, outlining model predictions of expected impacts and escapements for all management units. The commenter suggested that several of the exploitation-rate and escapement predictions fall well outside the range of likely impacts and escapements described in Table 3 of the PEPD.

*Response:* NMFS, in cooperation with the co-managers, have modeled the anticipated impacts of the implementation of the RMP. NMFS recognized that in this modeling exercise, conservative assumptions were made and that there was always the possibility that in any individual year the results could be different than the range of possibilities considered. In recent years, the post-season assessment has generally shown that estimated exploitation rates are lower than pre-season projections, with the escapement often higher than predicted pre-season (W. Beattie, NWIFC, e-mail to K. Schultz, NMFS, August 6, 2004). If impacts under the implementation of the RMP are greater than expected, NMFS can withdraw the ESA 4(d) rule determination or ask the co-managers to adjust fisheries to reduce impacts. Generally, the 2004 pre-season modeled escapement results are within or greater than the range of predicted escapements in the PEPD. This can be, in part, attributed to the use of risk-averse modeling assumptions in modeling impacts and the resultant escapement under the RMP (see response to Comment 27).

#### References

A complete list of all references cited herein is available upon request (see **ADDRESSES**), or through the documents available on the Sustainable Fisheries web site (see Electronic Access, under the heading **SUPPLEMENTARY INFORMATION**).

#### Authority

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary, is required to adopt such regulations as it deems necessary and advisable for the conservation of the species listed as threatened. The ESA salmon and steelhead 4 (d) rule (65 FR 42422, July 10, 2000) specifies categories of activities that are adequately regulated to provide for the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of

paragraph (a) of the rule do not apply to actions undertaken in compliance with a RMP developed jointly by the State of Washington and the Tribes and determined by NMFS to be in accordance with the salmon and steelhead 4 (d) rule (65 FR 42422, July 10, 2000).

Dated: March 4, 2005.

**Maria Boroja,**

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

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**BILLING CODE 3510-22-S**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 030602141-5057-16; I.D. 012505A]

#### Availability of Grants Funds for Fiscal Year 2005/Extension of Application Deadline

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

**ACTION:** Notice.

**SUMMARY:** The NMFS publishes this notice to extend the application deadline for the Western Pacific Demonstration Projects initiative. The original solicitation was published in the **Federal Register** on February 1, 2005. NOAA extends the application deadline for this initiative from March 15, 2005, to April 4, 2005, to provide the public more time to submit proposals. All other requirements for this solicitation remain the same.

**DATES:** Application packages must be received by 5 p.m. Hawaii standard time on April 4, 2005.

**ADDRESSES:** The address for submitting proposals electronically is: <http://www.grants.gov/>. (Electronic submission is strongly encouraged).

Paper submissions should be sent to the following address: Western Pacific Demonstration Projects Coordinator, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapiolani Blvd, Honolulu, HI 96814 ATTN: WPDP Federal Program Officer.

**FOR FURTHER INFORMATION CONTACT:** Scott W.S. Bloom, phone: 808-973-2935 ext. 218, fax: 808-973-2941, or e-mail: [scott.bloom@noaa.gov](mailto:scott.bloom@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This notice extends the solicitation period of the Western Pacific Demonstration Projects initiative announced in the

**Federal Register** on February 1, 2005 (70 FR 5161).

Dated: March 8, 2005.

**Rebecca Lent,**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030705C]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a three-day Council meeting on March 29-31, 2005, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Tuesday, March 29, 2005, beginning at 9 a.m. and on Wednesday and Thursday, March 30 and 31, beginning at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Hotel Viking, One Bellevue Avenue, Newport, RI 02840; telephone (401) 847-3300. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council, (978) 465-0492.

#### SUPPLEMENTARY INFORMATION:

##### Tuesday, March 29, 2005

Following introductions, the Council will receive reports from the Council Chairman, Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel, representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. Additional reports to the Council will address the recent Gear Conflict Workshop held by members of the fishing industry and an update on the New England Fleet Visioning

Project. During the morning session, the Council will receive two briefings on ecosystem approaches to fisheries management, followed by a question and answer period.

Following a lunch break, there will be an opportunity to review and comment on the draft proposed rule for Framework Adjustment 17 to the Sea Scallop Fishery Management Plan (FMP). During this discussion, there will be a particular focus on the "power down" provision for scallop general category vessel that are required to carry vessel monitoring systems. There will be initial Council action on Framework Adjustment 1 to the Spiny Dogfish FMP, a modification to the plan that would allow multi-year specifications to be set for the fishery. At the end of the day, NOAA Fisheries staff will brief the Council on the alternatives contained in the Draft Environmental Impacts Statement for the Atlantic Large Whale Take Reduction Plan and the potential impact of the proposed measures on Council fishery management plans.

##### Wednesday, March 30, 2005

During the Wednesday morning session, the Council Executive Director will provide a report on a draft Council Conservation and Management Policy. Following Council comments and possible approval of the policy, the remainder of the day will be used to address bycatch issues. Specifically, the Council's Bycatch Committee will discuss bycatch reduction measures for the herring, whiting and groundfish fisheries. The Council will make final decisions concerning which measures would be the most appropriate to implement through a possible framework adjustment, or alternatively, through Emergency Action, Flexible Area Action System, or other vehicle. If the Council agrees to implement measures through a framework, final action could be taken at this meeting to approve measures for inclusion in the Northeast Multispecies and/or Herring FMPs.

##### Thursday, March 31, 2005

The morning session will begin with a summary of the activities currently underway and associated with development of EFH Omnibus Amendment #2. An open period for public comments on subjects not otherwise listed on the agenda also will be provided. A report from the Groundfish Committee will follow. Issues to be addressed include final action on Framework Adjustment 41 to the Northeast Multispecies FMP (access to Closed Area I hook gear sector/haddock special access program for non-

sector vessels) a report on the development of the biennial framework adjustment for fishing years 2005-2006 and recommendations for the Eastern U.S. Canada Area for fishing year 2005.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: March 8, 2005.

**Emily Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Denial of Commercial Availability Request under the United States-Caribbean Basin Trade Partnership Act (CBTPA), African Growth and Opportunity Act (AGOA), and the Andean Trade Promotion and Drug Eradication Act (ATPDEA)

March 7, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Denial of the request alleging that certain anti-microbial elastomeric filament yarn, of the specifications below, classified in under subheadings 5402.49.9005 and 5404.10.8005 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA, AGOA, and ATPDEA.

**SUMMARY:** On January 3, 2005 the Chairman of CITA received a petition from Alston & Bird, LLP, on behalf of Ge-Ray Fabrics, Inc., alleging that certain anti-microbial elastomeric filament yarn, of the specifications