

implemented, that the impact of conducting an acoustic calibration and seismic testing program in the Gulf of Mexico may result, at worst, in a temporary modification in behavior and/or low-level physiological effects (Level B Harassment) of small numbers of certain species of marine mammals. While behavioral and avoidance reactions may be made by these species in response to the resultant noise from the airguns, these behavioral changes are expected to have a negligible impact on the affected species and stocks of marine mammals.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the area of seismic operations, the number of potential harassment takings is estimated to be relatively small in light of the population size (see Table 3). NMFS anticipates the actual take of individuals to be lower than the numbers depicted in the table, because those numbers do not reflect either the implementation of the mitigation numbers or the fact that some animals will avoid the sound at levels lower than those expected to result in harassment. Additionally, mitigation measures requires that the *Langseth* avoid any areas where marine mammals are concentrated.

In addition, no take by death and/or serious injury is anticipated, and the potential for temporary or permanent hearing impairment will be avoided through the incorporation of the required mitigation measures described in this document. This determination is supported by (1) the likelihood that, given sufficient notice through slow ship speed and ramp-up of the seismic array, marine mammals are expected to move away from a noise source that it is annoying prior to its becoming potentially injurious; (2) TTS is unlikely to occur, especially in odontocetes, until levels above 180 dB re 1  $\mu$ Pa are reached; (3) the fact that injurious levels of sound are only likely very close to the vessel; and (4) the likelihood that marine mammal detection ability by trained observers is close to 100 percent during daytime (in good weather) and remains high at night close to the vessel.

#### Endangered Species Act

Under section 7 of the ESA, the National Science Foundation (NSF) has begun consultation on this proposed seismic survey. NMFS will also consult on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

#### National Environmental Policy Act (NEPA)

In 2003, NSF prepared an Environmental Assessment (EA) for a marine seismic survey by the R/V *Maurice Ewing* in the Northern Gulf of Mexico. This EA addressed the potential effects of a different combination of airgun arrays, but with a higher total output (20 airguns, total volume 8580 in<sup>3</sup>) being operated in the same part of the ocean as is proposed for the *Langseth* in this application. NMFS will either adopt NSF's EA or prepare its own supplemental NEPA document before making a determination on the issuance of an IHA. NSF's EA has been posted on NMFS' website.

#### Preliminary Conclusions

Based on the preceding information, and provided that the proposed mitigation and monitoring are incorporated, NMFS has preliminarily concluded that the proposed activity will incidentally take, by Level B harassment only, small numbers of marine mammals. NMFS has further preliminarily determined that the proposed activity will have a negligible impact on the affected species or stocks of marine mammals.

#### Proposed Authorization

NMFS proposes to issue an IHA to L-DEO for an acoustic calibration and seismic testing program in the northern Gulf of Mexico in Fall, 2006 provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 27, 2006.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Publication of North American Datum of 1983 State Plane Coordinates in Feet in Idaho

**AGENCY:** National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce

**ACTION:** Notice.

**SUMMARY:** The National Geodetic Survey (NGS) will publish North American Datum of 1983 (NAD 83) State Plane Coordinate (SPC) grid values in both

meters and U.S. Survey Feet (1 ft = 1200/3937 m) in Idaho, for all well-defined geodetic survey control monuments maintained by NGS in the National Spatial Reference System (NSRS) and computed from various geodetic positioning utilities. The adoption of this standard is implemented in accordance with NGS policy and a request from the Idaho Transportation Department, the Idaho Society of Professional Land Surveyors, and the Idaho Department of Administration GIS Coordinator.

**DATES:** Individuals or organizations wishing to submit comments on the Publication of North American Datum of 1983 State Plane Coordinates in feet in Idaho, should do by November 6, 2006.

**ADDRESSES:** Written comments should be sent to the attention of David Doyle, Chief Geodetic Surveyor, Office of the National Geodetic Survey, National Ocean Service (N/NGS2), 1315 East-West Highway, Silver Spring, MD, 20910; fax 301-7313-4324, or via e-mail [Dave.Doyle@noaa.gov](mailto:Dave.Doyle@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to David Doyle, Chief Geodetic Surveyor, National Geodetic Survey (N/NGS2), 1315 East-West Highway, Silver Spring, MD, 20910; Phone: (301) 713-3178.

#### SUPPLEMENTARY INFORMATION:

##### Abstract

In 1991, NGS adopted a policy that defines the conditions under which NAD 83 State Plane Coordinates (SPCs) would be published in feet in addition to meters. As outlined in that policy, each State or territory must adopt NAD 83 legislation (typically referenced as Codes, Laws or Statutes), which specifically defines a conversion to either U.S. Survey or International Feet as defined by the U.S. Bureau of Standards in Federal Register notice 59-5442. To date, 48 States have adopted the NAD 83 legislation however, for various reasons, only 33 included a specific definition of the relationship between meters and feet. This lack of uniformity has led to confusion and misuse of SPCs as provided in various NGS products, services and tools, and created errors in mapping, charting and surveying programs in numerous States due to inconsistent coordinate conversions.

Dated: September 29, 2006.

**David B. Zilkoski,**

*Director, Office of National Geodetic Survey,  
National Ocean Service, National Oceanic  
and Atmospheric Administration.*

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