

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 10019.

**FOR FURTHER INFORMATION CONTACT:** Jaclyn Daly or Tammy Adams, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of section 104(c)(6) 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). Section 104(c)(6) provides for photography for educational or commercial purposes involving non-endangered and non-threatened marine mammals in the wild. NMFS is currently working on proposed regulations to implement this provision. However, in the meantime, NMFS has received and is processing this request as a “pilot” application for Level B Harassment of non-listed and non-depleted marine mammals for photographic purposes.

Harbor and gray seals would be filmed on land, from vessel, and underwater within the Isles of Shoals and Casco Bay, Maine. The images collected would be used in a segment for the New Hampshire Public Television educational series “Windows to the Wild.” Up to 300 harbor and 50 gray seals may be harassed during filming. Harassment would not exceed Level B and filming would occur on no more than two occasions.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 6, 2007.

**Tammy C. Adams,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XB11**

#### **Taking of Marine Mammals Incidental to Specified Activities; Open Water Seismic Operations in Cook Inlet, Alaska**

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

**ACTION:** Notice; proposed authorizations for two incidental take authorizations; request for comments.

**SUMMARY:** NMFS has received a request from Union Oil Company of California (UOCC) to change the effective date of its Incidental Harassment Authorization (IHA) covering the period between May 1 and June 15 to between September 4 and November 15, 2007. NMFS has received a request from Marathon Oil Company (MOC) for an authorization to take small numbers of five marine mammal species incidental to seismic operations in portions of Cook Inlet, Alaska. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to modify the effective dates of the IHA which was issued to UOCC, and to issue a new authorization to MOC to incidentally take, by harassment, small numbers of these species between October 1 and November 30, 2007.

**DATES:** Comments and information must be received no later than September 10, 2007.

**ADDRESSES:** Comments on the applications and draft Supplemental Environmental Assessment (SEA) should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed here. The mailboxes address for providing e-mail comments are [PR1.0648-XB11@noaa.gov](mailto:PR1.0648-XB11@noaa.gov). Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size. Copies of the applications, the application letters, draft SEA, and other related documents may be obtained by writing to this address or by telephoning one of the contacts listed here (see **FOR FURTHER INFORMATION CONTACT**). The applications and draft EA are also available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan, Office of Protected

Resources, NMFS, (301) 713-2289, ext 137, or Brad Smith, Alaska Region, NMFS, (907) 271-3023.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

An authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as “...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

## Summary of Request

On March 30, 2007, NMFS issued an IHA to UOCC under the authority of Section 101(a)(5)(D) of the MMPA, to take by harassment small numbers of Cook Inlet beluga whales (*Delphinapterus leucas*), Steller sea lions (*Eumetopias jubatus*), Pacific harbor seals (*Phoca vitulina richardsi*), harbor porpoises (*Phocoena phocoena*), and killer whales (*Orcinus orca*) incidental to conducting open water seismic operations in northwestern Cook Inlet, Alaska, between May 1 and June 15, 2007 (72 FR 17118, April 6, 2007). However, as a result of ice conditions in the Cook Inlet during spring 2007, UOCC was unable to begin seismic operations planned for May. As a result, on May 17, 2007, UOCC requested that NMFS change the effective date of its IHA to the time period September 4 through November 15, 2007.

On May 15, 2007, NMFS received an application from MOC requesting an IHA for the possible harassment of small numbers of the Cook Inlet beluga whale, Steller sea lions, Pacific harbor seals, harbor porpoises, and killer whales incidental to conducting open water seismic operations in portions of Cook Inlet, Alaska.

Both proposed operations use an ocean-bottom cable (OBC) system to conduct seismic surveys. OBC seismic surveys are used in waters that are too shallow for the data to be acquired using a marine-streamer vessel and/or too deep to have static ice in the winter. This type of seismic survey requires the use of multiple vessels for cable layout/pickup, recording, shooting, and possibly one or two vessels smaller than those used in streamer operations. The utility boats can be very small, in the range of 10 – 15 m (33 – 49 ft). A detailed description of the open water seismic surveys using OBC system was published in the **Federal Register** on January 5, 2007 (72 FR 536), and is not repeated here.

The proposed operations would be active 24 hours per day, but the airguns would only be active for 1 – 2 hours during each of the 3 – 4 daily slack tide periods. The source for the proposed OBC seismic surveys would be a 900–in<sup>3</sup> BOLT airgun array situated on the source vessel, the *Peregrine Falcon*. The array would be made up of 2 sub-arrays, each with 2, 3–airgun clusters separated by 1.5 m (4.9 ft) off the stern of the vessel. One cluster will consist of 3, 225–in<sup>3</sup> airguns and the second cluster will have 3, 75–in<sup>3</sup> airguns. During seismic operations, the sub-arrays will fire at a rate of every 10 – 25 seconds and

focus energy in the downward direction as the vessel travels at 4 – 5 knots (4.6 – 5.8 mph). Source level of the airgun array is 249 dB re 1 microPa at 1 m (0 – peak), and the dominant frequency range is 8 – 40 Hz.

The geographic region for the seismic operation proposed by UOCC remains the same as published in the previous **Federal Register** notice (72 FR 536), which is in the northwestern Cook Inlet, paralleling the shoreline offshore of Granite Point, and extending from shore into the inlet to an average of about 1.6 km (1 mi).

The geographic region for the activity proposed by MOC encompasses a 68.51 km<sup>2</sup> (26.45 square miles) area in lower Cook Inlet on the eastern shore, paralleling the shoreline for about 15.2 km (9.5 mi) and extending from shore into the inlet an average of about 6.1 km (3.8 mi). The approximate boundaries of the region of the proposed project area are 61°09'N, 151°30'W; 61°12'N, 151°34'W; 61°17'N, 151°25'W; and 60°16'N, 151°21'W. There are no major rivers flowing into the open water seismic project area. Water depths range from 0 to 15 m (48 ft), with most of the area less than 7.3 m (24 ft) deep. The proposed seismic operations would begin as early as October 1 and by November 30, 2007.

## Description of the Marine Mammals Potentially Affected by the Activity

Marine mammal species potentially occurring within the proposed action area include Cook Inlet beluga whales, Steller sea lions, Pacific harbor seals, harbor porpoises, and killer whales. Among these species, only the Steller sea lion is listed as endangered under the ESA, and it is also designated as depleted under the MMPA. The Cook Inlet beluga whale is designated as depleted under the MMPA. General information for these species can be found in Angliss and Outlaw (2006), which is available at the following URL: <http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2006.pdf>. A more detailed description of these species and stocks within Cook Inlet is provided in the January 5, 2007, **Federal Register** (72 FR 536). Therefore, it is not repeated here.

## Potential Effects on Marine Mammals and Their Habitat

Seismic surveys using acoustic energy may have the potential to adversely impact marine mammals in the vicinity of the activities (Gordon *et al.*, 2004). The sound source levels (zero to peak) associated with the OBC seismic survey can be as high as 233 – 240 dB re 1 microPa at 1 m. However, most energy is in the low-frequency spectra below

250 Hz and is directed downward (Richardson *et al.*, 1995), and the short duration of each pulse limits the total energy. Received levels within several kilometers typically exceed 160 dB re 1 microPa (Richardson *et al.*, 1995), depending on water depth, bottom type, ice cover, etc. Although relatively high levels of airgun pulses and frequencies above 500 Hz were detected at certain depth of water column much further away during Sperm Whale Seismic Study's controlled exposure experiments conducted in the Gulf of Mexico (DeRuiter *et al.*, 2006; Madsen *et al.*, 2006), this was probably due to the existence of convergence zones where long-range refraction occurred in a much deep ocean with a critical depth and sufficient depth excess (Urick, 1983; Etter, 2003). Within the proposed project area in Cook Inlet, where average water depth is less than 15 m (50 ft), no convergence zone can exist.

Intense acoustic signals from seismic surveys have been known to cause behavioral alteration such as reduced vocalization rates (Goold, 1996), avoidance (Malme *et al.*, 1986, 1988; Richardson *et al.*, 1995; Harris *et al.*, 2001), and changes in blow rates (Richardson *et al.*, 1995) in several marine mammal species.

The proposed surveys would use a 900–in<sup>3</sup> BOLT airgun array consisting of 3, 225–in<sup>3</sup> airguns and 3, 75–in<sup>3</sup> airguns. Acoustic measurements of the airgun array were obtained using calibrated, high-resolution Ocean Bottom Hydrophone recorders in April 2007 in Cook Inlet by JASCO Research Ltd (JASCO). The results show that the nominal ranges to the decibel thresholds 190, 180, and 160 dB re 1 microPa rms, computed using the 90 percent fit equation, are 140, 454, and 3,027 m (or 459, 1,490, and 9,931 ft), respectively (Collins *et al.*, 2007).

The seismic surveys would only introduce acoustic energy into the water column and no objects would be released into the environment. The survey vessels would travel at a speed of 4.5 knots and the two projects would be conducted in a small area of Cook Inlet for a short period.

There is a relative lack of knowledge about the potential impacts of seismic energy on marine fish and invertebrates. Available data suggest that there may be physical impacts on eggs and on larval, juvenile, and adult stages of fish at very close range (within meters) to seismic energy source. Considering typical source levels associated with seismic arrays, close proximity to the source would result in exposure to very high energy levels. Where eggs and larval stages are not able to escape such

exposures, juvenile and adult fish most likely would avoid them. In the cases of eggs and larvae, it is likely that the numbers adversely affected by such exposure would be very small in relation to natural mortality. Studies on fish confined in cages that were exposed under intense sound for extended period showed physical or physiological impacts (Scholik and Yan, 2001; 2002; McCauley *et al.*, 2003; Smith *et al.*, 2004). While limited data on seismic surveys regarding physiological effects on fish indicate that impacts are short-term and are most apparent after exposure at very close range (McCauley *et al.*, 2000a; 2000b; Dalen *et al.*, 1996), other studies have demonstrated that seismic guns had little effect on the day-to-day behavior of marine fish and invertebrates (Knudsen *et al.*, 1992; Wardle *et al.*, 2001). It is more likely that fish will swim away upon hearing the approaching seismic impulses (Engas *et al.*, 1996). Based on the foregoing, NMFS finds preliminarily that the proposed seismic surveys would not cause any permanent impact on the physical habitats and marine mammal prey species in the proposed project area.

#### Number of Marine Mammals Expected to Be Taken

NMFS estimates that approximately 37 Cook Inlet beluga whales out of a population of 302 whales could be harassed incidentally by the two proposed seismic operations from September to November, 2007. This represents 12.1 percent of Cook Inlet beluga whales that could be taken by Level B harassment if no mitigation and monitoring measures are implemented. This number is based on the animal density, length of track planned, and the assumption that all animals will be harassed at distances where noise at received level is at and above 160 dB re 1 microPa rms. Beluga whale density (0.03 whale/km<sup>2</sup>) was calculated by dividing the population (302) by 50 percent of the surface area of Cook Inlet (19,863 km<sup>2</sup>, or 7,672 mi<sup>2</sup>), assuming their distribution is only limited to the upper portion of the Inlet (Hobbs *et al.*, 2005). The number of beluga whales that could be taken by both proposed seismic projects is calculated by multiplying the whale density by the total length of the track lines (57 km or 35.4 mi for UOCC and 146 km or 90.7 mi for MOC) and by twice of the 160 dB isopleths range (3.0 km). This estimate is conservative as it assumes that all animals exposed to seismic impulses over 160 dB re 1 microPa would be harassed and disturbed. As the majority of acoustic energy of low frequency

airgun impulses falls outside the beluga whale's most sensitive hearing range (Richardson *et al.*, 1995), it is most likely that only a portion of whales within the 160 dB re 1 microPa isopleth would be disturbed. In addition, it is also possible that many of the animals would be habituated to this level of acoustic disturbances. Furthermore, mitigation measures, including the ramp-up requirement during the initiation of the seismic operations (see below) could eliminate most, if not all, startling behavior from animals near the proposed project area. Therefore, NMFS believes that the actual number of Level B harassment takes of Cook Inlet beluga whale would be much lower than the estimated 37 whales.

There are no similar population surveys for harbor seals, harbor porpoises, Steller sea lions, and killer whales conducted within the proposed project area. However, based on an abundance survey of harbor porpoises within the entire Cook Inlet (Dahlheim *et al.*, 2000), it is estimated that the population density of harbor porpoise in the entire Inlet is 0.0072 animal per km<sup>2</sup>. Based on this density data, NMFS estimates that about 9 harbor porpoises out of a population of 30,506 porpoises could be harassed incidentally by the two proposed seismic operations from September to November, 2007. This number of take represents less than 0.03 percent of harbor porpoises that could be taken by Level B harassment.

Average counts were used to estimate take instead of density for harbor seals, since count data were available (Boveng *et al.*, 2005a; 2005b) but not density data. Although no seals were counted in the vicinity of the proposed project areas, it is likely a small number of seals transit through the project areas in the fall. In order to account for seal occurrence in the proposed project areas, the count (1 - 10) at the location (Anchor Point) nearest to the MOC project area was used as the basis for calculating take. This count was quadrupled to account for seals in the water for both proposed project areas, since the conservative estimate of take, which is more likely high than low. Therefore, the estimated take of the Gulf of Alaska stock of harbor seals is 40 seals, which represent approximately 0.14 percent of the total population (29,175, Angliss and Outlaw, 2007).

There are no density estimates available for Steller sea lions and killer whales within Cook Inlet. However, their appearance in Upper Cook Inlet is rare and none of these species were sighted in the upper Inlet during the 2004 survey (Rugh *et al.*, 2005). Therefore, NMFS concludes that the

harassment, if at all, of these species is reasonably believed to be much lower than those of beluga whales and harbor seals.

#### Effects on Subsistence Needs

Tyonek, which is predominately a Dena'ina Athabaskan community, is approximately 6.4 km (4 mi) east of the eastern boundary of the proposed UOCC project area, and is about 100 km (62 mi) north of the proposed MOC project area. While it is the only village that hunts beluga whales, Alaska natives unaffiliated with a Cook Inlet community who have moved to the region and visited the region also have historically harvested beluga whales in the Inlet (Mahoney and Shelden, 2000). The role of marine mammals in the subsistence economy of Tyonek and other Alaska natives has been diminished by the almost complete elimination of the harvest of Cook Inlet beluga whales because of their greatly reduced stock size. In recent years, Tyonek natives harvested one beluga whale per year and occasionally harbor seals (Huntington, 2000), but their primary source of red meat is moose (Foster, 1982). Salmon and other fish also contribute substantially to their subsistence diet (Foster, 1982). The Tyonek village recently announced (April 16, 2007) that they would not harvest any belugas in 2007 due to the status of the population.

In addition, these areas are not important subsistence areas for subsistence species of marine mammals (harbor seals). Tyonek native subsistence activities have become focused closer to the village as more non-natives utilize and occupied traditional subsistence areas combined with harvest regulation restrictions, changes in the abundance and distribution of subsistence resources, and other factors.

#### Mitigation

The following mitigation measures are proposed under the proposed IHAs that would be issued to UOCC and MOC for conducting seismic operations in Cook Inlet. NMFS believes that the implementation of these mitigation measures would: (1) result in the least practicable impact on marine mammal species or stocks and their habitat; and (2) ensure that no unmitigable adverse impacts on the availability of marine mammals species or stocks for subsistence harvest would result.

#### Time and Frequency

Seismic operations would be limited from early September to late November in small portions of Cook Inlet. During

the seismic operations, airguns would only be active for 1 – 2 hours during each of the 3 – 4 slack tide periods, with the vessel moving at a speed of 4 – 5 knots (4.6 – 5.8 mph).

#### *Establishment of Safety Zones*

The applicants would establish a 454-m (1,490-ft) radius safety zone for cetaceans and a 140-m (459-ft) radius safety zone for pinnipeds for the seismic operations. These safety zone radii are based on empirical measurements conducted by JASCO on the same airgun array operated in Cook Inlet, where the received sound pressure levels (SPL) attenuated to 180 dB and 190 dB re 1 microPa rms, respectively.

Safety zones would be surveyed and monitored prior to, during, and after the airgun seismic operations. A detailed description of marine mammal monitoring is described in the Monitoring and Reporting section below.

#### *Speed and Course Alteration*

If a marine mammal is detected outside the safety radius and based on its position and the relative course of travel is likely to enter the safety zone, the vessel's speed and/or direct course may, when practicable and safe, be changed to avoid the impacts to the animal. The marine mammal activities and movements relative to the seismic and support vessels must be closely monitored to ensure that the animal does not (1) approach the safety radius, or (2) enter the safety zone. If either of these scenarios occur, further mitigation measures must be taken (i.e., either further course alterations or power down or shut down of the airgun(s)).

#### *Power-down Procedures*

A power down involves decreasing the number of airguns in use so that the radius of the 180- or 190-dB zone is decreased to the extent that marine mammals are not in the safety zone. During a power-down, one airgun is operated. The continued operation of one airgun is intended to alert marine mammals to the presence of the seismic guns in the area.

If a marine mammal is detected outside the safety zone but is likely to enter the safety zone, and if the vessel's course and/or speed cannot be changed to avoid having the animal enter the safety radius, the airguns must be powered down before the animal is within the safety zone.

#### *Shut-down Procedures*

A shut-down occurs when all airgun activity is suspended. The operating airgun(s) must be shut down if a marine

mammal approaches the applicable safety zone and a power down still would not likely to keep the animal outside the newly adjusted smaller safety zone. The operating airgun(s) must also be shut down completely if a marine mammal is found within the safety zone during the seismic operations. The shut-down procedure should be accomplished within several seconds (of a "one shot" period) of the determination that a marine mammal is within or about to enter the safety zone.

Following a shut-down, airgun activity would not resume until the marine mammal has cleared the safety zone. The animal would be considered to have cleared the safety zone if it is visually observed to have left the safety zone, or if it has not been seen within the safety zone for 30 minutes.

#### *Ramp-up Procedures*

Although marine mammals will be protected from Level A harassment by establishment of a safety zone at a SPL levels of 180 and 190 dB re 1 microPa rms for cetaceans and pinnipeds, respectively, mitigation may not be 100 percent effective at all times in locating marine mammals. In order to provide additional protection to marine mammals near the project area by allowing marine mammals to vacate the area prior to receiving a potential injury, and to further reduce Level B harassment by startling marine mammals with a sudden intensive sound, UOCC and MOC propose to implement "ramp-up" practice when starting up airgun arrays. Ramp-up would begin with the smallest airgun in the array that is being used for all subsets of the 6-gun array. Airguns would be added in a sequence such that the source level in the array would increase at a rate no greater than 6 dB per 5 minutes. During the ramp-up, the safety zone for the full 6-airgun system would be maintained.

#### *Night-time Operations*

During night-time operations when the safety zone cannot be visually inspected, a single airgun will operate by firing every one minute whenever regular acquisition airgun operations are not occurring to keep marine mammals at a safe distance. If, during these non-recording times, this airgun is inactive for more than 30 minutes, operations will cease and all airguns will be shut down until the safety zone can be visually inspected and monitored for the absence of marine mammals.

### **Monitoring**

#### *Vessel-based Monitoring*

Vessel based monitoring would be conducted by at least two qualified NMFS-approved MMOs. Reticule binoculars (e.g., 7 x 50 Bushnell or equivalent) and laser range finders (Leica LRF 1200 laser range finder or equivalent) would be standard equipment for the monitors.

Vessel-based MMOs would begin marine mammals monitoring at least 30 minutes prior to the planned start of airgun operations and during all periods of airgun operations. MMOs would survey the safety zone to ensure that no marine mammals are seen within the zone before a seismic survey begins. If marine mammals are found within the safety zone, seismic operations would be suspended until the marine mammal leaves the area. If a marine mammal is seen above the water and then dives below, the operator would wait 30 minutes, and if no marine mammals are seen by the MMOs in that time it will be assumed that the animal has moved beyond the safety zone. Observations would also be conducted during all ramp-up procedures to ensure the effectiveness of ramp-up as a mitigation measure. When feasible, observations would also be made during transits, moving cable, and other operations when airguns are inactive.

Data for each distinct marine mammal species observed in the proposed project area during the period of the seismic operations would be collected. Numbers of marine mammals observed, species identification if possible, frequency of observation, the time corresponding to the daily tidal cycle, and any behavioral changes due to the airgun operations will be recorded and entered into a custom database using a notebook computer. The accuracy of the data entry would be verified by computerized validity data checks as the data are entered and by subsequent manual checking of the database. These procedures would allow initial summaries of data to be prepared during and shortly after the field program, and will facilitate transfer of the data to statistical, graphical, or other programs for further processing and archiving.

Results from the vessel-based observations would provide: (1) Basis for real-time mitigation (airgun shut-down); (2) information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS; (3) data on the occurrence, distribution, and activities of marine mammals in the area where the seismic study is conducted; (4) information to

compare the distance and distribution of marine mammals relative to the source vessel at times with and without seismic activity; and (5) data on the behavior and movement patterns of marine mammals seen at times with and without seismic activity.

#### *Aerial Monitoring*

In addition to vessel monitoring, seismic surveys that would be conducted off Granite Point between September and November by UOCC would also be required to conduct aerial monitoring, due to the relative more frequent use by beluga whales in the area (Hobbs *et al.*, 2005). The aerial surveys would: (1) collect and report data on the distribution, numbers, movement and behavior of marine mammals near the seismic operations on the westside of Cook Inlet between Tyonek and Trading Bay, with special emphasis on beluga whales; (2) advise operating vessels as to the presence of marine mammals in the general area of operation; and (3) support regulatory reporting related to the estimation of impacts of seismic operations on marine mammals.

The aerial monitoring area will be centered on the project area plus a buffer for detecting belugas before or after they pass through the project area. The boundary for the aerial survey extends approximately 4 mi (6.4 km) east and west of the project area, between Tyonek and Trading Bay (directly east of the Trading Bay State Game Refuge boundary), and 0.25 mi (0.4 mi) from the water's edge, which will vary depending on tide levels. The size of the survey area provides a design for observing whales before and during exposure to seismic sounds.

Aerial monitoring will be conducted from a single engine helicopter, which will fly a single transect line paralleling the shoreline along the coast in the project area. The aerial survey will begin from the northeast end and finish at the southwest end of the transect. This pattern will be flown unless observation conditions (glare, etc) require flying from southwest to northeast depending on the effect of glare on observations. The helicopter operations will be based out of Beluga or Shirleyville. The helicopter will fly at 1,500 ft (457 m), due to glide path needs, and at a ground speed of 60 knot (111 km/h). This altitude should prevent disturbance of marine mammals and birds by the helicopter noise.

Helicopter monitoring will be conducted at a frequency that reflects the monthly occurrence of belugas in the project area (LGL, 2006). The helicopter will be flown once per week

from the time the seismic operations begin until the project is completed. However, if beluga whales are observed by helicopter or boat in or near the project area, survey flights will be conducted daily until whales are not observed for two consecutive days. Once belugas are no longer observed for two consecutive days, surveys will again be flown once per week until the project ends.

Aerial monitoring will fly 1 - 2 times shortly before and one half of the survey transect will be flown once during seismic operations, whenever possible, in a given day. Half transects are limited in duration to prevent noise interference with seismic data acquisition. Half transect flight directions will be determined by the relative position of activities to the helicopter landing location.

To the extent consistent with applicable aviation regulation, aerial surveys will be conducted under the following conditions: (1) when the pilot considers it safe to do so; (2) during daylight hours; (3) during good viewing conditions (ceiling height above 1,500 ft (457 M) and Beaufort Sea States below 4; and (4) during periods allowed by regulatory agencies. Flights will also be oriented to minimize sun glare on the observer.

One NMFS-approved MMO will be on the helicopter observing and recording marine mammals, covering the 180° view in front of the helicopter. Space will be made available on the helicopter for NMFS staff to participate in surveys when possible.

Data from aerial monitoring will be recorded on the species, number, group size, location (latitude/longitude), time, date, direction and angle from helicopter as determined by using a clinometer. Data will also be collected on tide, real time positions (latitude/longitude) of seismic survey vessel, shooting, and vessel activities. Observation conditions will be recorded at the start and finish of each survey or whenever conditions change. Data will be recorded on ceiling height, Beaufort Force, glare, and weather (snow, fog, etc.). All information collected during the marine mammal survey and/or reported to the vessel will be recorded on a field form. The information will be included with real time data on seismic activity (boat location, shooting, activities).

#### **Reporting**

Reports from aerial and land-based monitoring would be faxed or e-mailed to NMFS Anchorage Field Office on a daily basis.

Reports from UOCC and MOC would be submitted to NMFS within 90 days after the end of the respective projects. The reports would describe the operations that were conducted, the marine mammals that were detected near the operations, and provide full documentation of methods, results, and interpretation pertaining to all monitoring. The reports would also include estimates of the amount and nature of potential "take" of marine mammals by harassment or in other ways.

#### **National Environmental Policy Act (NEPA)**

In March 2007, NMFS prepared a final EA on the issuance of IHAs to ConocoPhillips Alaska, Inc and UOCC to take marine mammals by harassment incidental to conducting seismic operations in upper Cook Inlet, Alaska. A Finding of No Significant Impact statement was issued on March 30, 2007. The proposed seismic operations in this document are similar to those covered in the March 2007 Final EA, with the only exception of project time frames, location, and the levels of estimated marine mammal takes. Therefore, NMFS has prepared a draft Supplemental EA which incorporates by reference the March 2007 Final EA, providing an analysis of project time frames, location, and potential environmental impacts.

#### **Endangered Species Act (ESA)**

An informal consultation on the ESA was conducted for the proposed issuance of UOCC and MOC's IHAs. As a result of informal consultation, NMFS Anchorage Field Office has determined that the proposed seismic activities are not likely to adversely affect listed species or critical habitat.

#### **Preliminary Determinations**

NMFS has determined preliminarily that small numbers of beluga whales and harbor porpoises may be taken incidental to seismic surveys, by no more than Level B harassment and that such taking would result in no more than a negligible impact on such species or stocks. In addition, NMFS has determined preliminarily that Pacific harbor seals, Steller sea lions, and killer whales, if present within the vicinity of the proposed activities could be taken incidentally, but by no more than Level B harassment and that such taking would result in no more than a negligible impact on such species or stocks. At this time, NMFS is not able to determine whether any potential take would involve small numbers of Pacific harbor seals, Steller sea lions, or killer

whales due to data limitations and our inability to develop density estimates. Regardless, given the infrequent occurrence of these species (or none at all), NMFS believes that any take would be significantly lower than those of beluga whales.

While behavioral modifications, including temporarily vacating the area during the project period may be made by these species to avoid the resultant visual and acoustic disturbance, NMFS nonetheless finds that this action would result in no more than a negligible impact on these marine mammal species and/or stocks. NMFS also finds that the proposed action will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses.

In addition, no take by Level A harassment (injury) or death is anticipated or authorized, and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures described in this document.

#### Proposed Authorization

NMFS proposes to modify the UOCC IHA to allow its seismic operations in Upper Cook Inlet between September and November, 2007, and to issue an IHA to MOC for the potential harassment of Cook Inlet beluga whales, Pacific harbor seals, harbor porpoises, Steller sea lions, and killer whales incidental to conducting seismic operations in Cook Inlet in Alaska, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: August 7, 2007.

**James H. Lecky,**

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

[FR Doc. E7-15688 Filed 8-9-07; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN XB91

#### North Pacific Fishery Management Council; Notice of Public Meeting

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

**ACTION:** Notice.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Salmon Bycatch Workgroup will meet August 29, 2007, in Anchorage, Alaska at the

Hawthorn Suites, 1110 West 8th Avenue, Anchorage Alaska.

**DATES:** Meeting of the North Pacific Fishery Management Council's Salmon Bycatch Workgroup on August 29, 2007, from 9 a.m. to 5 p.m.

**ADDRESSES:** Hawthorn Suites, 1110 West 8th Avenue, Anchorage Alaska.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** Diana Stram, Council staff, Phone: 907-271-2809.

#### SUPPLEMENTARY INFORMATION:

##### Agenda

Review revised alternatives per Salmon Work Group recommendations (June 2007), preliminary work on hard cap estimation and trigger cap numbers by season and annual totals, spatial evaluation of candidate closures I (A and B season), evaluation of closures and salmon hot spots using observed salmon numbers and salmon bycatch rates, evaluation of candidate closures using a proposed optimization technique and Workgroup Discussion and recommendations for Council consideration.

##### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at 907-271-2809 at least 7 working days prior to the meeting date.

Dated: August 7, 2007.

**Tracey L. Thompson,**

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

[FR Doc. E7-15620 Filed 8-9-07; 8:45 am]

**BILLING CODE 3510-22-S**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 2 p.m., Wednesday, August 29, 2007.

**PLACE:** 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Financial Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** David A. Stawick, 202-418-5100.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. 07-3935 Filed 8-8-07; 8:45 am]

**BILLING CODE 6351-01-M**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Proposed Information Collection; Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. Sec. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed renewal of its Voucher and Payment Request Form. Copies of the information collection requests can be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by October 9, 2007.

**ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, National Service Trust; Attention Bruce Kellogg, 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) By fax to: (202) 606-3484, Attention Bruce Kellogg.