

it highly unlikely that any marine mammals in the vicinity would be injured (including PTS) or killed as a result of sonar exposure.

Based on the aforementioned assessment, NMFS determines that approximately 399 bottlenose dolphins, 126 pantropical spotted dolphins, 315 Atlantic spotted dolphins, 126 spinner dolphins, 42 Clymene dolphins, and 42 striped dolphins would be affected by Level B behavioral harassment as a result of the proposed Q-20 sonar testing activities. These numbers represent approximately 10.76%, 0.37%, 1.26%, 6.33%, and 0.64% of bottlenose dolphins (GOM oceanic stock), pantropical spotted dolphins, striped dolphins, spinner dolphins, and Clymene dolphins, respectively, of these species in the GOM region (calculation based on NMFS 2011 US Atlantic and Gulf of Mexico Marine Mammal Stock Assessment). The percentage of potentially affected Atlantic spotted dolphin is unknown since there is no current population assessment of this species in the Gulf of Mexico region. However, based on the most recent abundance estimate published in NMFS Atlantic and GOM SARs conducted in the northern Gulf of Mexico outer continental shelf during fall 2000-2001 and oceanic waters during spring/summer 2003-2004, the population was estimated at 37,611 (NMFS 2011). Using this number, it is estimated that approximately 0.84% of Atlantic spotted dolphins would be taken by Level B behavioral harassment from the Navy's proposed sonar test activities.

Based on the supporting analyses, which suggest that no marine mammals will be killed, injured, or receive TTS as a result of the Q-20 sonar testing activities, and no more than a small number of any affected species will be taken in the form of short-term Level B behavioral harassment. Coupled with the fact that these impacts will likely not occur in areas and times critical to reproduction, NMFS has preliminarily determined that the taking of these species as a result of the Navy's Q-20 sonar test will have a negligible impact on the marine mammal species and stocks present in the Q-20 Study Area.

#### **Subsistence Harvest of Marine Mammals**

NMFS has preliminarily determined that the total taking of marine mammal species or stocks from the Navy's Q-20 sonar testing in the Q-20 Study Area would not have an unmitigable adverse impact on the availability of the affected species or stocks for subsistence uses, since there are no such uses in the specified area.

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

Based on the analysis of the Navy Marine Resources Assessment (MRA) data on marine mammal distributions, there is near zero probability that sperm whale will occur in the vicinity of the proposed Q-20 test area. No other ESA-listed marine mammal is expected to occur in the vicinity of the test area. In addition, acoustic modeling analysis indicates that none of the ESA-listed marine mammal species would be exposed to levels of sound that would constitute a "take" under the MMPA, due to the low source level and high attenuation rates of the Q-20 sonar signal. Therefore, the Navy has determined that ESA-listed species are not likely to be adversely affected as the result of the Navy's proposed Q-20 testing activities and has requested concurrence from NMFS.

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

In 2009, the Navy prepared a Final Environmental Impact Statement/Overseas Environmental Impact Statement for the NSWC PCD Mission Activities (FEIS/OEIS), and NMFS subsequently adopted the FEIS/OEIS for its rule governing the Navy's RDT&E activities in the NSWC PCD Study Area. The currently proposed Q-20 sonar testing activities are similar to the sonar testing activities described in the FEIS/OEIS for NSWC PCD mission activities. NMFS will prepare an Environmental Assessment to reflect these additional Q-20 sonar test activities.

Dated: February 23, 2012.

**James H. Lecky,**

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

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#### **COMMODITY FUTURES TRADING COMMISSION**

##### **Notice of Sunshine Act Meetings**

**DATES:** *Time and Date:* 10 a.m., Friday, March 30, 2012.

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

**STATUS:** Closed.

##### **Matters To Be Considered**

Surveillance and Enforcement Matters. In the event that the times or dates of these or any future meetings change, an announcement of the change, along with the new time and place of the meeting will be posted on the

Commission's Web site at <http://www.cftc.gov>.

**CONTACT PERSON FOR MORE INFORMATION:** Sauntia S. Warfield, 202-418-5084.

**Sauntia S. Warfield,**

*Assistant Secretary of the Commission.*

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#### **COMMODITY FUTURES TRADING COMMISSION**

##### **Sunshine Act Meeting Notice**

**TIME AND DATE:** 10 a.m., Friday, March 2, 2012.

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

**STATUS:** Closed.

##### **MATTERS TO BE CONSIDERED:**

Surveillance and Enforcement Matters. In the event that the times or dates of these or any future meetings change, an announcement of the change, along with the new time and place of the meeting will be posted on the Commission's Web site at <http://www.cftc.gov>.

**CONTACT PERSON FOR MORE INFORMATION:** Sauntia S. Warfield, 202-418-5084.

**Sauntia S. Warfield,**

*Assistant Secretary of the Commission.*

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#### **COMMODITY FUTURES TRADING COMMISSION**

##### **Sunshine Act Meeting Notice**

**TIME AND DATE:** 10 a.m., Friday, March 16, 2012.

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

**STATUS:** Closed.

##### **MATTERS TO BE CONSIDERED:**

Surveillance and Enforcement Matters. In the event that the times or dates of these or any future meetings change, an announcement of the change, along with the new time and place of the meeting will be posted on the Commission's Web site at <http://www.cftc.gov>.

**CONTACT PERSON FOR MORE INFORMATION:** Sauntia S. Warfield, 202-418-5084.

**Sauntia S. Warfield,**

*Assistant Secretary of the Commission.*

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