

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 071204C]

RIN 0648-AT11

**Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 11**

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

**ACTION:** Notice; withdrawal of Notice of Intent.

**SUMMARY:** This notice retracts the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to analyze a range of alternatives for the annual allocation of the Pacific sardine harvest guideline proposed action published on July 19, 2004. Further scoping subsequent to the publication of the NOI revealed additional information indicating that it was unlikely the proposed action would result in significant environmental impacts. An Environmental Assessment (EA) was completed and a subsequent Finding of No Significant Impact (FONSI) was signed.

**ADDRESSES:** Copies of the Final Environmental Assessment /Regulatory Impact Review may be obtained from Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Joshua B. Lindsay, Southwest Region, NMFS, [joshua.lindsay@noaa.gov](mailto:joshua.lindsay@noaa.gov), (562) 980-4034.

**SUPPLEMENTARY INFORMATION:** The original Notice of Intent to prepare an Environmental Impact Statement (EIS) was published July 19, 2004 (69 FR 42968). The determination that the proposed action would not likely result in significant environmental impacts was based on an evaluation of the criteria listed in NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act, Section 6.01 (Determining the Significance of NOAA's Actions) and 6.02 (Specific Guidance on Significance of Fishery Management Actions). To aid in this determination, the Pacific Fisheries Management Council and NMFS prepared an environmental assessment (EA) instead of an EIS to evaluate whether significant impacts would likely result from the proposed

action. A final version of this EA was made available to the public on November 16, 2005 (70 FR 69502). Based on this evaluation, the Assistant Administrator for Fisheries made a Finding of No Significant Impact on June 13, 2006. In concurrence with this finding, the NOAA National Environmental Policy Act Coordinator determined there was no further need to prepare an EIS.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 15, 2006.

**James P. Burgess,**

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

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 072606A]

**Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar**

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

**ACTION:** Notice; issuance of two Letters of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that NMFS has issued two 1-year Letters of Authorization (LOAs) to take marine mammals by harassment incidental to the U.S. Navy's operation of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar operations to the Chief of Naval Operations, Department of the Navy, 2000 Navy Pentagon, Washington, D.C., and persons operating under his authority.

**DATES:** Effective from August 16, 2006, through August 15, 2007.

**ADDRESSES:** Copies of the Navy's March 31, 2006, application, the LOAs, and the Navy's annual report are available by writing to 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, by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or online at: <http://www.nmfs.noaa.gov/pr/permits/>

*incidental.htm#applications.*

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Hollingshead, Office of Protected Resources, NMFS, (301) 713-2289 (ext 128).

**SUPPLEMENTARY INFORMATION:****Background**

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs 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 regulations are issued.

Authorization may be granted for periods of 5 years or less if NMFS finds that the taking will have no more than 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. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking.

Regulations governing the taking of marine mammals incidental to the U.S. Navy's operation of SURTASS LFA sonar were published on July 16, 2002 (67 FR 46712), and remain in effect until August 15, 2007. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements for the incidental taking of marine mammals by the SURTASS LFA sonar system.

**Summary of LOA Request**

NMFS received an application from the U.S. Navy for two LOAs, one covering the *R/V Cory Chouest* and one the USNS IMPECCABLE, under the regulations issued on July 16, 2002 (67 FR 46712). The Navy requested that the LOAs become effective on August 16, 2006. The application requested authorization, for a period not to exceed 1 year, to take, by harassment, marine mammals incidental to employment of the SURTASS LFA sonar system for training, testing and routine military