

affected environment, mitigation and monitoring measures identified to reduce impacts on the human environment to non-significant levels, and the potential effects of the action on the human environment. In view of the information presented in this document and the analysis contained in the supporting PEA, NMFS has determined therefore that issuance by NMFS of an IHA to Shell and other companies for conducting seismic surveys this year in the Arctic Ocean will not significantly impact the quality of the human environment as described above and in the supporting Final PEA.

This determination is predicated on full implementation of standard mitigation measures for preventing injury or mortality to marine mammals, in addition to the area and project specific mitigation measures described in this **Federal Register** notice. By incorporating the appropriate mitigation measures into NMFS' IHA conditions for this year's seismic survey operations, NMFS has determined that there will be no significant impact on the quality of the human environment. Accordingly, NMFS hereby adopts MMS' Final PEA and has determined that the preparation of an Environmental Impact Statement for this action is not necessary. A copy of the MMS Final PEA for this activity is available upon request and is available online (see **ADDRESSES**).

Conclusions

#### Summary

Based on the information provided in Shell's application and the MMS PEA, NMFS has determined that the impact of Shell conducting seismic surveys in the northern Chukchi Sea and eastern and central Beaufort Sea in 2006 will have a negligible impact on affected species or stocks of marine mammals and will not have an unmitigable adverse impact on their availability for taking for subsistence uses, provided the mitigation measures required under the authorization and CAA are implemented.

#### Potential Impacts on Marine Mammals

NMFS has determined that the impact of conducting relatively short-term seismic surveys in the U.S. Chukchi and Beaufort seas may result, at worst, in a temporary modification in behavior by certain species of marine mammals. While behavioral and avoidance reactions may be made by these species in response to the resultant noise, this behavioral change is 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 (as shown in Table 4-1 in the applications), which will vary annually due to variable ice conditions and other factors, the number of potential harassment takings is estimated to be small (see Tables 1 and 2 in this document).

In addition, no take by death or serious injury is anticipated, and the potential for temporary or permanent hearing impairment will be avoided through the incorporation of the mitigation measures contained in Shell's IHA. This determination by NMFS is supported by: the information in this **Federal Register** notice, including: (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 is annoying prior to its becoming potentially injurious; (2) the fact that injurious levels would be very close to the vessel; and (3) the likelihood that marine mammal detection ability by trained observers is close to 100 percent during daytime and remains high at night close to the seismic vessel.

Finally, no known rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals are known to occur within or near the planned areas of operations during the season of operations.

#### Potential Impacts on Subsistence Uses of Marine Mammals

NMFS has determined that the proposed seismic activity by Shell in the northern Chukchi Sea and central and eastern Beaufort Sea in 2006, in combination with other seismic and oil and gas programs in these areas, will not have an unmitigable adverse impact on the subsistence uses of bowhead whales and other marine mammals. This determination is supported by the information in this **Federal Register** notice, including: (1) Seismic activities in the Chukchi Sea will not begin until after July 10 by which time the spring bowhead hunt is expected to have ended; (2) that the fall bowhead whale hunt in the Beaufort Sea will be governed by a CAA between Shell and the AEWC and village whaling captains; (3) the CAA conditions will significantly reduce impacts on subsistence hunters; (4) while it is possible that accessibility to belugas during the spring subsistence beluga hunt could be impaired by the survey, it is unlikely because very little of the proposed survey is within 25 km (15.5 mi) of the Chukchi coast, meaning the

vessel will usually be well offshore and away from areas where seismic surveys would influence beluga hunting by communities; and (5) because seals (ringed, spotted, bearded) are hunted in nearshore waters and the seismic survey will remain offshore of the coastal and nearshore areas of these seals where natives would harvest these seals, it should not conflict with harvest activities.

#### Authorization

As a result of these determinations, NMFS has issued an IHA to Shell to take small numbers of marine mammals, by harassment, incidental to conducting a seismic survey in the northern Chukchi Sea and central and eastern Beaufort Sea in 2006, provided the mitigation, monitoring, and reporting requirements described in this document are undertaken.

Dated: August 18, 2006.

#### P. Michael Payne,

*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

[I.D. 081806B]

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

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee in September, 2006 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Wednesday, September 13, 2006, at 9 a.m.

**ADDRESSES:** This meeting will be held at the Holiday Inn, 700 Myles Standish Boulevard, Taunton, MA 02780; telephone: (508) 823-0430; fax: (508) 880-6480.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

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

**SUPPLEMENTARY INFORMATION:** The Committee will further develop alternatives for consideration in the Draft Supplemental Environmental Impact Statement (DSEIS) for Amendment 11. These final recommendations will be forwarded to the full Council for approval at the September 2006 Council Meeting. The Committee will also have a presentation on the updated exploitable estimate for the Elephant Trunk Area. No action is necessary by the Committee or Council - this is an informative report from the Scallop Plan Development Team. The Committee may consider other topics at their discretion.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. 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 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, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: August 18, 2006.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E6-13988 Filed 8-23-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 081706F]

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

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

**ACTION:** Notice; public meetings.

**SUMMARY:** The New England Fishery Management Council's (NEFMC) Herring Oversight and Advisory Panel along with the Atlantic States Marine Fisheries Commission (ASMFC) Section and Advisory Panel will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meetings will be held in September 2006. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The meetings will be held at the Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA; telephone: (978) 777-2500.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

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

#### SUPPLEMENTARY INFORMATION:

##### Agenda

*Monday, September 11, 2006 - Joint NEFMC and ASMFC Advisory Panel Meeting, at 10 a.m.*

1. Review alternatives under consideration for 2007-09 herring fishery specifications and additional background information/analysis.
2. Discuss 2007-09 specifications and develop joint advisory panel recommendations regarding: allowable biological catch (ABC), domestic annual harvesting (DAH), domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), border transfer (BT), U.S. at-sea processing (USAP), optimum yield (OY) and area-specific total allowable catches area-specific (TACs), Research Set-Asides (RSAs) and set-asides for fixed gear fisheries.
3. Discuss ASMFC-only issues for 2007-09 Fishery Specifications and develop Advisory Panel recommendations.

*Tuesday, September 12, 2006 - Joint NEFMC Herring Oversight Committee and ASMFC Section Meeting, at 9 a.m.*

1. Review alternatives under consideration for 2007-09 fishery specifications and additional background information/analysis.
2. Receive report from Joint Herring Advisory Panel meeting and summary of panel's recommendations.
3. Discuss Amendment 1 submission status and related issues.
4. Discuss 2007-09 specifications and develop Herring Committee and Section recommendations regarding: ABC, DAH, DAP, JVP, TALFF, BT, USAP, OY,

TACs, RSA and set-asides for fixed gear fisheries.

5. ASMFC Section: Discuss ASMFC-only issues for 2007-09 Fishery Specifications and develop recommendations.

Although non-emergency issues not contained in the agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the NEFMC's intent to take final action to address the emergency.

#### Special Accommodations

These meetings are 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 working days prior to the meeting date.

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

Dated: August 18, 2006.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 081706D]

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

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat/MPA/Ecosystem Committee Meeting in September, 2006 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Thursday, September 7, 2006, at 9 a.m.

**ADDRESSES:** The meeting will be held at the Hampton Inn, One Hampton Way,