

likelihood that some pinnipeds will avoid the area, no injury or mortality to pinnipeds is expected or requested.

#### Negligible Impact and Small Numbers Analysis and Determination

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." In making a negligible impact determination, NMFS considers:

- (1) The number of anticipated mortalities;
- (2) The number and nature of anticipated injuries;
- (3) The number, nature, and intensity, and duration of Level B harassment; and
- (4) The context in which the takes occur.

As mentioned previously, NMFS estimates that four species of marine mammals could be potentially affected by Level B harassment over the course of the IHA. For each species, these numbers are small (each, less than one percent) relative to the population size.

No takes by Level A harassment, serious injury, or mortality are anticipated to occur as a result of the SGRLPS' proposed activities, and none are authorized. Only short-term behavioral disturbance is anticipated to occur due to the brief and sporadic duration of the proposed activities; the availability of alternate areas near NWSR for marine mammals to avoid the resultant acoustic disturbance; and limited access to NWSR during the pupping season. Due to the nature, degree, and context of the behavioral harassment anticipated, the activities are not expected to impact rates of recruitment or survival.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that the SGRLPS' planned helicopter operations and restoration/maintenance activities, will result in the incidental take of small numbers of marine mammals, by Level B harassment only, and that the total taking from the helicopter operations and restoration/maintenance activities will have a negligible impact on the affected species or stocks.

#### Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action.

#### Endangered Species Act (ESA)

The Steller sea lion, eastern Distinct Population Segment (DPS) is listed as threatened under the ESA and occurs in the planned action area. NMFS Headquarters' Office of Protected Resources, Permits, Conservation, and Education Division conducted a formal section 7 consultation under the ESA with the Southwest Region, NMFS. On January 27, 2010, the Southwest Region issued a BiOp and concluded that the issuance of IHAs are likely to adversely affect, but not likely to jeopardize the continued existence of Steller sea lions. NMFS has designated critical habitat for the eastern Distinct Population Segment of Steller sea lions in California at Año Nuevo Island, Southeast Farallon Island, Sugarloaf Island and Cape Mendocino, California pursuant to section 4 of the ESA (see 50 CFR 226.202(b)). Northwest Seal Rock is neither within nor nearby these designated areas. Finally, the BiOp included an ITS for Steller sea lions. The ITS contains reasonable and prudent measures implemented by terms and conditions to minimize the effects of this take.

NMFS has reviewed the 2010 BiOp and determined that there is no new information regarding effects to Stellar sea lions; the action has not been modified in a manner which would cause adverse effects not previously evaluated; there has been no new listing of species or designation of critical habitat that could be affected by the action; and, the action will not exceed the extent or amount of incidental take authorized in the 2010–2012 ITS. Therefore, the proposed IHA does not require the reinitiation of Section 7 consultation under the ESA.

#### National Environmental Policy Act (NEPA)

To meet NMFS' NEPA requirements for the issuance of an IHA to the SGRLPS, NMFS prepared an Environmental Assessment (EA) in 2010 that was specific to conducting aircraft operations and restoration and maintenance work on the St. George Reef Light Station. The EA, titled "Issuance of an Incidental Harassment Authorization to Take Marine Mammals by Harassment Incidental to Conducting Aircraft Operations, Lighthouse Restoration and Maintenance Activities on St. George Reef Lighthouse Station in

Del Norte County, California," evaluated the impacts on the human environment of NMFS' authorization of incidental Level B harassment resulting from the specified activity in the specified geographic region. At that time, NMFS concluded that issuance of an IHA November 1 through April 30, annually would not significantly affect the quality of the human environment and issued a Finding of No Significant Impact (FONSI) for the 2010 EA regarding the SGRLPS' activities. In conjunction with the SGRLPS' 2011 application, NMFS has again reviewed the 2010 EA and determined that there are no new direct, indirect or cumulative impacts to the human and natural environment associated with the IHA requiring evaluation in a supplemental EA and NMFS, therefore, intends to reaffirm the 2010 FONSI. A copy of the EA and the FONSI for this activity is available upon request (see ADDRESSES).

Dated: December 16, 2010.

**Helen M. Golde,**

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

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Notice of Availability of the Final Environmental Impact Statement (FEIS) for Disposal and Reuse of Fort McPherson, GA

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of Availability (NOA).

**SUMMARY:** The Department of the Army announces the availability of the FEIS, which evaluates the potential environmental impacts associated with the disposal and reuse of Fort McPherson, Georgia.

**DATES:** The waiting period for the FEIS will end 30 days after publication of an NOA in the **Federal Register** by the U. S. Environmental Protection Agency.

**ADDRESSES:** To obtain a copy of the FEIS contact Mr. Larry Gissentanna, McPherson BRAC Environmental Coordinator, 1508 Hood Ave., Building 714, Fort Gillem, GA 30297 or [larry.gissentanna@us.army.mil](mailto:larry.gissentanna@us.army.mil).

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Gissentanna at (404) 469–3559.

**SUPPLEMENTARY INFORMATION:** The FEIS covers activities associated with the disposal and reuse of Fort McPherson, Georgia. In accordance with the 2005 Base Closure and Realignment (BRAC)

Commission Report, the Army is required to close Fort McPherson and relocate certain tenant organizations to Pope Air Force Base, North Carolina; Shaw Air Force Base, South Carolina; Fort Eustis, Virginia; and Fort Sam Houston, Texas. The tenant relocation actions were the subject of separate National Environmental Policy Act (NEPA) analyses. After tenants are relocated and all non-caretaking operations have ceased on the installation, the Army will close Fort McPherson. Closure is required no later than 15 September 2011.

Following closure, the property (approximately 487 acres) will be excess to Army needs. Accordingly, the Army proposes to dispose of its real property interests at Fort McPherson. The DoD and the Army have recognized the McPherson Planning Local Redevelopment Agency (MPLRA) as the local reuse authority for reuse planning associated with Fort McPherson. The MPLRA developed the Fort McPherson Reuse Plan, which is pending notification from the U.S. Department of Housing and Urban Development required under the BRAC Act and the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 *et seq.*). The plan is available electronically at <http://www.mcphersonredevelopment.com/>.

On 9 September 2009, Governor Purdue authorized the establishment of the McPherson Implementing Local Redevelopment Authority, which will be responsible for overseeing the implementation of the Reuse Plan.

Four alternatives were analyzed in the FEIS: (1) A No Action Alternative, under which the Army would continue operations at Fort McPherson at levels similar to those occurring prior to the BRAC Commission's recommendation for closure; (2) an Early Transfer Alternative, under which transfer and reuse of the property would occur before environmental remedial actions have been completed (but consistent with protection of human health and the environment); (3) a Traditional Disposal Alternative, under which transfer and reuse of the property would occur once environmental remediation is complete for individual parcels of the installation; and (4) a Caretaker Status Alternative, which begins following the closure of the installation in the event that the Army is unable to dispose of the property, after which time the maintenance of the property would be reduced to minimal activities necessary to ensure security, health, and safety, and to avoid physical deterioration of facilities. Alternative 2 (Early Transfer) is the Army's preferred alternative,

which would make the property available for reuse sooner than under the traditional disposal alternative. Three reuse scenarios, based on medium, medium-high, and high intensity levels of reuse are also evaluated as secondary actions of disposal of Fort McPherson. These reuse scenarios encompass the level of reuse expected under the Reuse Plan, which is considered the medium-high intensity reuse scenario.

For early transfer and traditional disposal alternatives, moderate adverse effects would be expected to occur to aesthetics and visual resources, noise, water resources, biological resources, cultural resources (to include the historic district at Fort McPherson), transportation, and utilities. Reuses analyzed in the EIS could result in significant adverse effects in the areas of land use, air quality, and transportation. Disposal of the property for reuse in accordance with the Reuse Plan would mitigate to less than significant the direct and cumulative impacts of disposal and reuse.

A Record of Decision stating which alternative the Army has selected will not be issued earlier than 30 days after this notice.

An electronic version of the FEIS can be viewed or downloaded from the following Web site: [http://www.hqda.army.mil/acsim/brac/nepa\\_eis\\_docs.htm](http://www.hqda.army.mil/acsim/brac/nepa_eis_docs.htm).

Dated: December 13, 2010.

**Hershell E. Wolfe,**

*Acting Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).*

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## DEPARTMENT OF EDUCATION

### Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities

**AGENCY:** U. S. Department of Education, Office of Special Education and Rehabilitative Services, Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities.

**ACTION:** Notice of an Open Meeting via Conference Call.

**SUMMARY:** The notice sets forth the schedule and agenda of the meeting of the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities. The notice also describes the functions of the Commission. Notice of the

meeting is required by section 10 (a) (2) of the Federal Advisory Committee Act and is intended to notify the public of its opportunity to attend.

**DATES:** January 7, 2011.

**TIME:** 11 a.m.–5 p.m.

**ADDRESSES:** The Commission will meet via conference call on January 7, 2011. The Executive Director of the Commission will serve as the “host” of the meeting and will initiate the teleconference meeting at approximately 10:45 a.m. EST on January 7, 2011. The Dial-In number for members of the public for the call is 1–800–860–2442 or 1–412–858–4600 for individuals calling in from outside of the United States.

**FOR FURTHER INFORMATION, CONTACT:** Elizabeth Shook, Program Specialist, Office of Special Education and Rehabilitative Services, United States Department of Education, 550 12th Street, SW., Washington, DC 20202; *telephone:* (202) 245–7642, *fax:* 202–245–7638.

**SUPPLEMENTARY INFORMATION:** The Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (the Commission) is established under Section 772 of the Higher Education Opportunity Act, Public Law 110–315, dated August 14, 2008. The Commission is established to (a) conduct a comprehensive study, which will—(I) assess the barriers and systemic issues that may affect, and technical solutions available that may improve, the timely delivery and quality of accessible instructional materials for postsecondary students with print disabilities, as well as the effective use of such materials by faculty and staff; and (II) make recommendations related to the development of a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a time frame comparable to the availability of instructional materials for postsecondary nondisabled students.

In making recommendations for the study, the Commission shall consider—(I) how students with print disabilities may obtain instructional materials in accessible formats within a time frame comparable to the availability of instructional materials for nondisabled students; and to the maximum extent practicable, at costs comparable to the costs of such materials for nondisabled students; (II) the feasibility and technical parameters of establishing standardized electronic file formats, such as the National Instructional Materials Accessibility Standard as defined in Section 674(e)(3) of the