

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

There are no relevant subsistence uses of marine mammals in the survey area. Thus, the provision requiring that the activity not have an unmitigable impact on the availability of the affected species or stock of marine mammals for subsistence uses is not implicated for this specified activity.

### Endangered Species Act

Of the species of marine mammals that may occur in the proposed survey area, five are listed as endangered under the ESA, including the humpback, sei, fin, blue, and sperm whales. Under section 7 of the ESA, NSF had initiated formal consultation with the NMFS, Office of Protected Resources, Endangered Species Division, on this seismic survey. NMFS' Office of Protected Resources, Permits, Conservation and Education Division, also initiated formal consultation under section 7 of the ESA with NMFS' Office of Protected Resources, Endangered Species Division, to obtain a Biological Opinion (BiOp) evaluating the effects of issuing the IHA on threatened and endangered marine mammals and, if appropriate, authorizing incidental take. April, 2011, NMFS issued a BiOp and concluded that the action and issuance of the IHA are not likely to jeopardize the continued existence of the humpback, sei, fin, blue, and sperm whales and leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), loggerhead (*Caretta caretta*), hawksbill (*Eretmochelys imbricata*), and olive ridley (*Lepidochelys olivacea*) sea turtles. The BiOp also concluded that designated critical habitat for these species does not occur in the action area and would not be affected by the survey. L-DEO must comply with the Relevant Terms and Conditions of the Incidental Take Statement corresponding to NMFS' BiOp issued to both NSF and NMFS' Office of Protected Resources. L-DEO must also comply with the mitigation and monitoring requirements included in the IHA in order to be exempt under the Incidental Take Statement (ITS) in the BiOp from the prohibition on take of listed endangered marine mammals species otherwise prohibited by Section 9 of the ESA.

### National Environmental Policy Act (NEPA)

To meet NMFS' NEPA requirements for the issuance of an IHA to L-DEO, NMFS has prepared an Environmental Assessment (EA) titled "Issuance of an Incidental Harassment Authorization to

the Lamont-Doherty Earth Observatory to Take Marine Mammals by Harassment Incidental to a Marine Geophysical Survey on the Shatsky Rise in the Northwest Pacific Ocean, July–September 2010." This EA incorporates the NSF's Environmental Analysis Pursuant To Executive Order 12114 (NSF, 2010) and an associated report (Report) prepared by LGL Limited Environmental Research Associates (LGL) for NSF, titled, "Environmental Assessment of a Marine Geophysical Survey by the R/V Marcus G. Langseth on the Shatsky Rise in the Northwest Pacific Ocean, July–September, 2010, (LGL, 2010)" by reference pursuant to 40 CFR 1502.21 and NOAA Administrative Order (NAO) 216–6 § 5.09(d). NMFS provided relevant environmental information to the public through the notice published on February 4, 2011, and has considered public comments received in response prior to finalizing its EA and deciding whether or not to issue a Finding of No Significant Impact (FONSI). NMFS' EA 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. NMFS has concluded that issuance of an IHA would not significantly affect the quality of the human environment and has issued a FONSI. Because the NMFS has made a FONSI, it is not necessary to prepare an environmental impact statement for the issuance of an IHA to L-DEO for this activity. The EA and FONSI for this activity are available upon request (see ADDRESSES).

### Authorization

NMFS has issued an IHA to L-DEO for the take by Level B harassment of small numbers of marine incidental to conducting a marine geophysical survey in the eastern tropical Pacific (ETP) Ocean off Costa Rica, April through June, 2011, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: April 6, 2011.

**James H. Lecky,**

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

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Cancellation Notice for the Advisory Council on Dependents' Education Meeting

**AGENCY:** Department of Defense Education Activity (DoDEA), DoD.

**ACTION:** Notice.

**SUMMARY:** The meeting of the Department of Defense Advisory Council on Dependents' Education announced on March 1, 2011 (76 FR 11211) under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), and scheduled to occur on Friday, April 22, 2011, 7 a.m. to 12 p.m. Japan Standard Time has been cancelled.

**FOR FURTHER INFORMATION CONTACT:** Dr. Steve Schrankel at (703) 588–3109 or [Steve.Schrankel@hq.dodea.edu](mailto:Steve.Schrankel@hq.dodea.edu).

Dated: April 6, 2011.

**Morgan F. Park,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Meeting of the Strategic Environmental Research and Development Program, Scientific Advisory Board

**AGENCY:** Department of Defense.

**ACTION:** Notice.

**SUMMARY:** This Notice is published in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). The topic of the meeting on June 16, 2011 is to review continuing research and development projects requesting Strategic Environmental Research and Development Program funds in excess of \$1M. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

**DATES:** Thursday, June 16, 2011 from 8 a.m. to 2:30 p.m.

**ADDRESSES:** SpringHill Suites by Marriott, Pamlico Room, 300 Hotel Drive, New Bern, NC 28562.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan Bunker, SERDP Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2126.