

sounds from the USFWS' proposed activities are the principal concerns related to subsistence use of the area. Subsistence remains the basis for Alaska Native culture and community. Marine mammals are legally hunted in Alaskan waters by coastal Alaska Natives. In rural Alaska, subsistence activities are often central to many aspects of human existence, including patterns of family life, artistic expression, and community religious and celebratory activities. Additionally, the animals taken for subsistence provide a significant portion of the food that will last the community throughout the year. The main species that are hunted include bowhead and beluga whales, ringed, spotted, and bearded seals, walrus, and polar bears. [As mentioned previously in this document, both the walrus and the polar bear are under the USFWS' jurisdiction.] The importance of each of these species varies among the communities and is largely based on availability.

The subsistence communities in the Chukchi Sea that have the potential to be impacted by the USFWS' proposed action include Point Hope and Kivalina. During the spring months that the USFWS' capture work is proposed to be conducted both of these communities hunt bowhead whales and ice seals. Hunting for both bowhead whales and ice seals typically occurs within 15 mi (24 km) or less of the community, according to local residents. At Point Hope, hunters have informed the USFWS that they hunt only to the west and south of Point Hope.

#### *Potential Impacts to Subsistence Uses*

NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as:

\* \* \* an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Noise and general activity during the USFWS' proposed polar bear program have the potential to impact marine mammals hunted by Native Alaskans. The helicopter overflights have the potential to disturb hauled out pinnipeds by causing them to vacate the area, which could potentially make the animals unavailable to subsistence hunters if the animals do not return to the area.

#### *Plan of Cooperation (POC)*

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a POC or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes. Over the past 3 years, as part of this work, the USFWS regularly consults extensively with local communities to identify temporal and spatial no fly zones. These no fly zones occur in areas of subsistence activities. In consultation with local residents, the USFWS has determined that flying to the north and northwest of Point Hope would not interfere with subsistence activities. Therefore, the USFWS will restrict flights to avoid the areas 15 mi (24 km) to the south and west of Point Hope and within a 15 mi (24 km) radius of Kivalina. The majority of the USFWS' polar bear work occurs greater than 30 mi (48 km) offshore, which also minimizes the potential for flights to affect availability of ice seals to local hunters. The USFWS holds two meetings in Point Hope each year (the community in closest proximity to much of the work). For 2011, the USFWS has agreed with local whaling captains and community leaders to have regular, weekly communications to identify no fly zones and ensure that flight paths do not intersect areas of subsistence activity. The USFWS also regularly communicates with the community of Kivalina, although polar bears tend not to be concentrated in close proximity to this community, thus flight paths tend to occur well away from subsistence use areas.

#### *Unmitigable Adverse Impact Analysis and Preliminary Determination*

NMFS has preliminarily determined that the USFWS' polar bear capture-recapture program will not have an unmitigable adverse impact on the availability of species or stocks for taking for subsistence uses. This preliminary determination is supported by the information contained in this document and the POC contained in the USFWS' application (see **ADDRESSES**). The USFWS has agreed to certain no fly zones prior to beginning their activities. Additionally, the USFWS will meet regularly with subsistence use leaders in both Point Hope and Kivalina to redefine the no fly zones throughout the season, if necessary. There will be no impacts to beluga hunting, as this project occurs well before the summer beluga hunts in the Chukchi Sea. Lastly, the majority of the USFWS' flight tracks will occur much further offshore than

the typical sites for subsistence sealing during the mid-March to early May time period.

Based on the measures contained in the USFWS' POC, the proposed mitigation and monitoring measures (described earlier in this document), and the project design itself, NMFS has determined preliminarily that there will not be an unmitigable adverse impact on subsistence uses of marine mammals from the USFWS' proposed polar bear capture-recapture program.

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

The Arctic subspecies of ringed seal and the Beringia distinct population segment of bearded seals are currently proposed for listing under the ESA. Pursuant to section 7(a)(4) of the ESA, NMFS' Permits, Conservation and Education Division will work with NMFS' Endangered Species Division to determine if a conference is necessary for these proposed species.

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

NMFS is currently conducting an analysis, pursuant to NEPA, to determine whether or not this proposed activity may have a significant effect on the human environment. This analysis will be completed prior to the issuance or denial of this proposed IHA.

#### **Proposed Authorization**

As a result of these preliminary determinations, NMFS proposes to authorize the take of marine mammals incidental to helicopter flights during the USFWS' polar bear capture-recapture program in the U.S. Chukchi Sea, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: December 28, 2010.

**P. Michael Payne,**

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

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## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **Notice of Advisory Committee Meeting Date Change**

**AGENCY:** Missile Defense Agency (MDA), DoD.

**ACTION:** Notice.

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**SUMMARY:** On Tuesday, December 28, 2010 (75 FR 81589) the Department of Defense announced meeting date changes to the closed meetings of the

Missile Defense Advisory Committee. Due to administrative matters, these meetings have been rescheduled from January 6–7, 2011 to January 19–20, 2011. There are no other changes to the notice announced on Tuesday, December 14, 2010 (75 FR 77848).

**FOR FURTHER INFORMATION CONTACT:** Mr. David Bagnati, Designated Federal Officer at [MDAC@mda.mil](mailto:MDAC@mda.mil), phone/voice mail 703–695–6438, or mail at 7100 Defense Pentagon, Washington, DC 20301–7100.

Dated: December 29, 2010.

**Morgan F. Park,**

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

[FR Doc. 2010–33168 Filed 1–3–11; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for PacRim Coal's Proposed Chuitna Coal Project

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** The Alaska District, U.S. Army Corps of Engineers (USACE) intends to prepare an SEIS to identify and analyze the potential impacts associated with the proposed Chuitna Coal Project. It is anticipated that the Environmental Protection Agency (EPA), the Native Village of Tyonek (NVT), the U.S. Fish and Wildlife Service (USFWS), and the Alaska Department of Natural Resources (ADNR) will participate as cooperating agencies in the SEIS development process. The USACE will be evaluating a permit application for work under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The SEIS will be used as a basis for the Corps' permit decision and to ensure compliance with the National Environmental Policy Act (NEPA). The SEIS will also address issues related to the Alaska Surface Coal Mining Control and Reclamation Act (ASCMCRA) permit, which governs all aspects of the mining operation and infrastructure.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and the DSEIS can be answered by: Ms. Serena Sweet, Regulatory Division, telephone: (907) 753–2819, toll free in AK: (800) 478–2712, fax: (907) 753–5567, e-mail: [serena.e.sweet@usace.army.mil](mailto:serena.e.sweet@usace.army.mil), or mail:

U.S. Army Corps of Engineers, CEPOA–RD, Post Office Box 6898, Elmendorf AFB, Alaska 99506–0898.

#### SUPPLEMENTARY INFORMATION:

1. The Chuitna Coal Project (Project) is located in the Beluga Coal Field, approximately 10 miles northwest of the Native Village of Tyonek and 45 miles west of Anchorage, Alaska. The Project is based on the development of a +1 billion metric ton, ultra low sulfur sub-bituminous coal resource located within the Chuitna Coal Lease Area. The proposed Project includes a surface coal mine, the Ladd Landing coal export terminal and other associated support facilities (including: Shop/office/warehouse facility, fuel storage facility and fueling station, ready line for parking and fueling of rolling stock, electrical substation, truck dump with stilling shed and coal crusher, 35,000 to 40,000-ton covered surge bin, overland conveyor loading station, roads, and a power distribution system). The project proponent, PacRim Coal, LP, targets a coal production rate of approximately 12 million tons per year (facilities are designed for up to 18–20 million tons per year), and a 25-year mine life based on current estimated coal reserves.

2. A previous project design was evaluated in an EIS and permitted by most of the applicable State and Federal regulatory programs in the early 1990s; however, this project did not proceed to development. Since 2006, EPA has been lead federal agency for the development of an SEIS for the Project and the USACE, ADNR, USFWS and NVT participated as cooperating agencies (71 FR 33446). On October 31, 2010, the EPA's authority to issue and enforce mining permits in Alaska for wastewater discharges issued under the Clean Water Act National Pollutant Discharge Elimination System program was transferred to the Alaska Department of Environmental Conservation. Consequently, the EPA recently discontinued their role as lead federal agency for the Chuitna SEIS.

3. Alternatives: The alternatives to be evaluated include the “no-action” alternative, wastewater discharge alternatives and alternative discharge locations. In addition, the SEIS will evaluate mine access road and conveyor alignment alternatives, and coal export terminal alternatives. Additional alternatives may be developed.

4. Scoping for the proposed project was completed by EPA in 2006. Based on the comments received during this scoping period, PacRim Coal, LP has made revisions to the proposed Project. In accordance with NEPA, the Corps has reviewed the revised project description

and determined that because these revisions are the result of the original scoping process and remain within the original scope of review, additional scoping processes will not be conducted at this time.

5. Estimated Date of DSEIS Release: December 2011.

Dated: December 28, 2010.

**Serena E. Sweet,**

*Project Manager, Alaska District U.S. Army Corps of Engineers.*

[FR Doc. 2010–33214 Filed 1–3–11; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of NEPA Public Scoping Meeting Information for the Great Lakes and Mississippi River Interbasin Study (“GLMRIS”)

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** In a November 16, 2010, **Federal Register** Notice (75 FR 69983), the U.S. Army Corps of Engineers (USACE), Chicago District announced in a notice of intent that it will prepare a feasibility report and an environmental impact statement (EIS) for GLMRIS, and it will host a public scoping meeting in Chicago, Illinois, on December 15, 2010. In a December 8, 2010, **Federal Register** Notice (75 FR 76447), USACE announced the metropolitan locations where USACE would be hosting nine (9) additional public scoping meetings for GLMRIS. The December 8, 2010, notice did not include specific meeting details. This notice announces the venues, dates and times of these nine (9) public scoping meetings and also announces USACE's intent to host two (2) additional public scoping meetings in Milwaukee, Wisconsin and New Orleans, Louisiana.

USACE, in consultation with other federal agencies, Native American tribes, state agencies, local governments and non-governmental organizations, is conducting a feasibility study of the options and technologies that could be applied to prevent aquatic nuisance species (ANS) transfer between the Great Lakes and Mississippi River basins through aquatic pathways.

**DATES:** Until March 31, 2011, USACE will be accepting public comments on the scope of GLMRIS. Please refer to the “*Scoping and Public Involvement*” section below for instructions on how to submit public comments, the dates of