

daily average of 21 seals sighted when tidal conditions were favorable during previous dredging operations in the harbor. Considering the maximum and average number of seals hauled out per day, assuming that the seals may be seen twice a day, and using a maximum total of 73 operating days in 2005–2006, NMFS estimates that a maximum of 767 to 1570 Pacific harbor seals may be subject to Level B harassment.

During wharf modification activities, a maximum of six California sea lions were seen hauling out in a single day. Based on the above-mentioned calculation, NMFS believes that a maximum of 219 California sea lions and 10 northern elephant seals (because they may be in nearby waters) may be subject to Level B harassment.

#### **Possible Effects of Activities on Marine Mammal Habitat**

Boeing anticipates no loss or modification to the habitat used by Pacific harbor seals or California sea lions that haul out near the south VAFB harbor. The harbor seal and sea lion haul-out sites near south VAFB harbor are not used as breeding, molting, or mating sites; therefore, it is not expected that the activities in the harbor will have any impact on the ability of Pacific harbor seals or California sea lions in the area to reproduce.

Boeing anticipates unavoidable kelp removal during dredging. This habitat modification will not affect the marine mammal habitat. However, Boeing will mitigate for the removal of kelp habitat by placing 150 tons of rocky substrate in a sandy area between the breakwater and the mooring dolphins to enhance an existing artificial reef. This type of mitigation was implemented by the Army Corps of Engineers following the 1984 and 1989 dredging. A lush kelp bed adjacent to the sandy area has developed from the efforts. The substrate will consist of approximately 150 sharp-faced boulders, each with a diameter of about 2 ft (0.61 m) and each weighing about one ton. The boulders will be brought in by truck from an off-site quarry and loaded by crane onto a small barge at the wharf. The barge is towed by a tugboat to a location along the mooring dolphins from which a small barge-mounted crane can place them into the sandy area. Boeing plans to perform the reef enhancement in conjunction with the next maintenance dredging event in order to minimize cost and disturbances to animals. Noise will be generated by the trucks delivering the boulders to the harbor and during the operation of unloading the boulders onto the barges and into the water.

#### **Possible Effects of Activities on Subsistence Needs**

There are no subsistence uses for Pacific harbor seals in California waters, and thus, there are no anticipated effects on subsistence needs.

#### **Conclusions**

NMFS has determined that the impact of conducting harbor activities related to the Delta IV/EELV at VAFB, including: transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation would result in the harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals; would have no more than a negligible impact on these marine mammal stocks; and would not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence uses. Northern fur seals, Guadalupe fur seals, and Steller sea lions are unlikely to be found in the area and, therefore, will not be affected. While behavioral modifications may be made by harbor seals and California sea lions to avoid the resultant acoustic and visual stimuli, there is no potential for large-scale movements, such as stampedes, since these species haul out in such small numbers near the site (maximum number of harbor seals hauled out in one day estimated at 43 seals, averaging at 21 seals per day, maximum number of California sea lions hauled out in one day is estimated at six). The effects of Boeing's harbor activities are expected to be limited to short-term and localized behavioral changes.

Due to the localized nature of these activities, the number of marine mammals potentially taken by harassment are estimated to be small. In addition, no take by injury or death is anticipated, and the potential for temporary or permanent hearing impairment is unlikely given the low noise levels expected at the site. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near south VAFB harbor.

#### **Endangered Species Act**

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued by the USFWS in August 2001, which found that Boeing's

harbor activities will not jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

#### **National Environmental Policy Act**

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). Accordingly, an Environmental Impact Statement is not required.

#### **Authorization**

NMFS has issued an IHA to take marine mammals, by harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: May 23, 2005.

**Laurie K. Allen,**

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

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

[I.D. 052305B]

#### **Mid-Atlantic Fishery Management Council (MAFMC); Meetings**

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

**ACTION:** Notice; public meetings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) and its Atlantic Mackerel, Squid, Butterfish Committee; its Tilefish Committee; its Ecosystems Committee; and, its Executive Committee will hold public meetings.

**DATES:** The meetings will be held on Tuesday, June 14, 2005, through

Thursday, June 16, 2005. For specific dates, times, and agendas, see

**SUPPLEMENTARY INFORMATION.**

**ADDRESSES:** *Meeting address:* This meeting will be at the Wyndham Hotel, 700 King Street, Wilmington, DE 19801; telephone: 302-655-0400.

*Council address:* Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302-674-2331.

**FOR FURTHER INFORMATION CONTACT:**

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

**SUPPLEMENTARY INFORMATION:** Agenda items for the Council's committees and the Council itself are: on Tuesday, June 14, 2005, from 10 a.m. to 1 p.m.; the Atlantic Mackerel, Squid, and Butterfish Committee will meet to review the Monitoring Committee's recommendations for 2006 quota levels and associated management measures, and develop recommendations for 2006 quota specifications and associated management measures for Council consideration and action. The Tilefish Committee and its advisors will meet from 2 p.m. to 5 p.m., to review and discuss comments received during the scoping process, review and discuss Amendment 1 options paper, and select management measures for inclusion in the Draft Environmental Impact Statement (DEIS) in support of Amendment 1. On Wednesday, June 15, the Council will convene from 8:30 a.m. to 10:30 a.m., to review the Atlantic Mackerel, Squid, and Butterfish Committee's recommendations and develop and adopt 2006 quota specifications and associated management measures; from 10:30 a.m. to 12 noon, the Council will approve the May Council meeting minutes and action items from the May Council meeting. The Council will also hear organizational and liaison reports, the Executive Director's report, and a report on the status of the MAFMC's FMPs. From 1 p.m. to 3 p.m., the Council will hold its first meeting for Framework 6 to the Summer Flounder, Scup, and Black Sea Bass FMP to review options regarding sub-regionalization of state jurisdictions for the recreational fishery and utilization of multiple years for data analyses, and review and address compatibility with ASMFC's Addendum 17; from 3 p.m. to 3:15 p.m., the Council will approve Framework 1 to the Spiny Dogfish FMP for submission to the Secretary; and, the Ecosystems Committee will meet from 3:15 p.m. to 5 p.m., to review draft background information for the public meeting

document. On Thursday, June 16, the Executive Committee will meet from 8 a.m. to 9 a.m., to review the Statement of Operating Practices and Procedures (SOPP) for needed changes; the Council will meet from 9 a.m. to 11:30 a.m., to develop and adopt multi-year quota specifications and associated management measures for surfclams and ocean quahogs; and at 11:30 a.m., will hear Committee reports, and entertain any new and/or continuing business.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council 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 actions to address such emergencies.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins (302-674-2331) at least 5 days prior to the meeting date.

Dated: May 24, 2005.

**Emily Menashes,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 052305C]

**Pacific Fishery Management Council; Public Meetings**

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

**ACTION:** Notice; public meetings.

**SUMMARY:** The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

**DATES:** The Council and its advisory entities will meet June 12-17, 2005. The Council meeting will begin on Monday, June 13, at 1 p.m., reconvening each day through Friday. All meetings are open to the public, except a closed session will be held at 1 p.m. until 2 p.m. on

Monday, June 13 to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

**ADDRESSES:** The meetings will be held at the Crowne Plaza Hotel, 1221 Chess Drive, Foster City, CA 94404; telephone: 650-570-5700.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.

**FOR FURTHER INFORMATION CONTACT:** Dr. Donald O. McIsaac, Executive Director; telephone: 503-820-2280.

**SUPPLEMENTARY INFORMATION:** The following items are on the Council agenda, but not necessarily in this order:

- A. Call to Order
  1. Opening Remarks, Introductions
  2. Roll Call
  3. Executive Director's Report
  4. Approve Agenda
- B. Administrative Matters
  1. Approval of Council Meeting Minutes
  2. Legislative Matters
  3. Appointments to Advisory Bodies, Standing Committees, and Other Forums
  4. Work Load Priorities and Draft September 2005 Council Meeting Agenda
- C. Groundfish Management
  1. Preparatory Informational Briefing on Trawl Individual Quota (TIQ) Program Development
  2. Initial Consideration of Opening Date of California Shore-based Whiting Fishery
  3. Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement - Final Preferred Alternative
  4. Status of 2005 Groundfish Fisheries and Consideration of Inseason Adjustments
  5. TIQ Program Development
  6. Rebuilding Plan Revision Rules
  7. Final Consideration of Inseason Adjustments, if necessary
- D. Salmon Management
  1. Technical Basis for the Klamath River Fall Chinook Conservation Objective
  2. Status Report on Reinitiation of Consultation for California Coastal Chinook
- E. Highly Migratory Species Management
  1. NMFS Report
  2. Draft Inter-American Tropical Tuna Commission Resolution on Albacore Tuna
  3. Status of Fisheries and Preliminary Stock Assessment and Fishery Evaluation (SAFE) Report
  4. Response to Overfishing of Bigeye Tuna