

necessary number of trips to the island; (7) once on Año Nuevo Island, researchers would coordinate monitoring schedules so that areas near any pinnipeds would be accessed only once per visit; and (8) the lead biologist would always serve as an observer to evaluate incidental take and halt any research activities should the potential for incidental take be too great.

Proposed Monitoring and Reporting

Researchers would take notes of sea lions and seals observed within the proposed research area during studies. The notes would provide dates, time, tidal height, species, numbers of sea lions and seals present, and any disturbances. PRBO would submit a final report, including these notes, to NMFS within 90 days after the expiration of the Incidental Harassment Authorization (IHA), if it is issued.

National Environmental Policy Act (NEPA)

In 2007, NMFS prepared a draft Environmental Assessment (EA) on the issuance of an IHA to PRBO to take marine mammals by Level B harassment incidental to conducting seabird research in central California. The draft EA was released for public review and comment along with the application and the proposed IHA (72 FR 41294, July 27, 2007). All comments were addressed in full in the **Federal Register** Notice of Issuance of an IHA for PRBO (72 FR 71121, December 14, 2007). At that time, NMFS determined that conducting the seabird research would not have a significant impact on the quality of the human environment and issued a Finding of No Significant Impact. In 2008, NMFS prepared a supplemental EA (SEA) to address new available information regarding the effects of PRBO's seabird and pinniped research activities that may have cumulative impacts to the physical and biological environment. At that time, NMFS concluded that issuance of an IHA for the December 2008 through 2009 season would not significantly affect the quality of the human environment and issued a FONSI for the 2008 SEA regarding PRBO's activities. In conjunction with this year's application, NMFS has again reviewed the EA and SEA and determined that there are no new direct, indirect or cumulative impacts to the human and natural environment associated with the proposed IHA requiring evaluation in a supplemental EA and NMFS therefore reaffirms the 2008 FONSI.

Endangered Species Act

NMFS Headquarters' Office of Protected Resources, Permits, Conservation, and Education Division conducted a formal section 7 consultation under the ESA with the NMFS Headquarters' Office of Protected Resources, Endangered Species Division. On November 18, 2008, NMFS issued a Biological Opinion (BiOp) and concluded that the issuance of an IHA is likely to affect, but not likely to jeopardize the continued existence of Steller sea lions. The BiOp included an incidental take statement (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 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 BiOp. Therefore, the proposed IHA does not require the reinitiation of Section 7 consultation under the ESA.

Preliminary Conclusions

Based on the preceding information, and provided that the proposed mitigation and monitoring are incorporated, NMFS has preliminarily concluded that the impact of PRBO conducting proposed seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central CA would incidentally take, by level B behavioral harassment only, small numbers of Steller sea lions, California sea lions, Pacific harbor seals, and northern elephant seals in the vicinity of the proposed activities.

While behavioral modifications, including temporarily vacating the area during the lighthouse restoration and maintenance period, may be made by these species to avoid the resultant visual disturbance from human presence, the availability of alternate areas within these areas and haul-out sites, and the short and sporadic duration of the restoration and maintenance activities, have led NMFS to preliminarily determine that this proposed action will have a negligible impact on affected stocks of Steller sea lions, California sea lions, Pacific harbor seals, and northern elephant seals.

There is no subsistence harvest of marine mammals on or near SEFI, ANI, and PRNS; therefore, there will be no impact of the activity on the availability of the stocks of marine mammals for subsistence uses. Harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures proposed in this document. Take by Level A harassment or death is not anticipated.

Proposed Authorization

NMFS proposes to issue an IHA to PRBO to conduct seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore during December 22, 2009, through December 23, 2009, provided that the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: November 18, 2009

James H. Lecky,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XT04

Marine Mammals; File No. 1058-1733

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that Mark Baumgartner, Ph.D., MS 133, Woods Hole Oceanographic Institute, Woods Hole, Massachusetts, 02543, has been issued an amendment to scientific research Permit No. 1058-1733.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices: See

SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Amy Hapeman or Kristy Beard,
(301)713-2289.

SUPPLEMENTARY INFORMATION: On December 24, 2008, notice was published in the **Federal Register** (73 FR 79058) that an amendment to Permit No. 1058-1733, issued July 27, 2007 (72 FR 36429), had been requested by the above-named individual. The requested amendment has been granted under the authority of the Marine Mammal

Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 1058–1733 authorizes the permit holder to examine baleen whale foraging and diving behaviors in the Southern Ocean as well as to determine the overlap of diving behaviors with the vertical structure of fixed fishing gear in the North Atlantic Ocean. In the Southern Ocean, researchers may closely approach humpback (*Megaptera novaeangliae*), blue (*Balaenoptera musculus*), fin (*B. physalus*), sei (*B. borealis*), and Antarctic minke (*B. bonaerensis*) whales during vessel surveys for photo-identification, behavioral observation, suction-cup tagging, tracking, and incidental harassment. In the North Atlantic, researchers may closely approach up to 324 of each species of humpback, fin, and sei whales annually during vessel surveys for photo-identification, behavioral observation, tracking, and incidental harassment. Of these animals, up to 108 of each species may be suction-cup tagged annually during surveys.

This amendment: (1) expands the study area to include waters of the North Pacific and Arctic Oceans and the North Atlantic Ocean to the U.S. Exclusive Economic Zone; (2) authorizes five additional large whale species or populations: North Atlantic right (*Eubalaena glacialis*), North Pacific right (*E. japonica*), Northern blue (*B. musculus musculus*), Eastern gray (*Eschrichtius robustus*), and bowhead whales (*Balaena mysticetus*) to be harassed during vessel surveys for the above authorized activities; and (3) authorizes the tagging of humpback, fin and sei whales in the North Atlantic and species listed in (2) with archival tags using sub-dermal attachments. This research will provide a better understanding of large whale distribution and foraging ecology by gathering data on predator-prey relationships, diving behavior, day vs. night behavior, and acoustic behavior. The amendment is valid until the permit expires on May 31, 2012.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not

necessary to prepare an environmental impact statement.

Issuance of this amended permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Documents may be reviewed in the following locations:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281–9328; fax (978)281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

Dated: November 17, 2009.

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 Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary for Communications and Information on spectrum policy matters.

DATES: The meeting will be held on December 9, 2009, from 9:30 a.m. to 2:00 p.m., Eastern Standard Time.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, 1401 Constitution Avenue, NW, Room 4813, Washington, DC 20230. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue, NW, Room 4725, Washington, DC 20230 or emailed to spectrumadvisory@ntia.doc.gov.

FOR FURTHER INFORMATION CONTACT: Joe Gattuso, Designated Federal Officer, at (202) 482–0977 or jgattuso@ntia.doc.gov; and/or visit NTIA's web site at www.ntia.doc.gov.

SUPPLEMENTARY INFORMATION:

Background: The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management to enable the introduction of new spectrum-dependent technologies and services, including long-range spectrum planning and policy reforms for expediting the American public's access to broadband services, public safety, and digital television. This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. § 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit <http://www.ntia.doc.gov/advisory/spectrum>.

Matters to Be Considered: The Committee is expected to hear presentations on spectrum related issues from representatives of the Federal Communications Commission and from NTIA staff. It also will receive status reports from its subcommittees on work plans and benchmarks.

There also will be an opportunity for public comment at the meeting.

Time and Date: The meeting will be held on December 9, 2009, from 9:30 a.m. to 2:00 p.m. Eastern Standard Time. The times and the agenda topics are subject to change. The meeting may be webcast. Please refer to NTIA's web site, <http://www.ntia.doc.gov>, for the most up-to-date meeting agenda.

Place: The meeting will be held at the U.S. Department of Commerce, 1401 Constitution Avenue, NW, Room 4813, Washington, DC 20230. The meeting will be open to the public and press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring