

Commerce (Secretary), pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR Part 930, Subpart H. TCA appealed an objection by the California Coastal Commission (Commission) to TCA's proposed construction of an extension to California State Route 241 in northern San Diego and southern Orange Counties, California.

Under the CZMA, the Secretary may override the Commission's objection if he determines that the project is consistent with the objectives or purposes of the CZMA or is otherwise necessary in the interest of national security. To make the determination that the proposed activity is "consistent with the objectives or purposes" of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of the state's coastal management program. 15 CFR 930.121.

On March 17, 2008, NOAA published a notice in the **Federal Register** announcing, among other things, that a public hearing might be held concerning this appeal. The hearing will be held. This notice provides scheduling and procedural information about the hearing.

The hearing in this appeal will commence at 10:30 a.m. at the Bren Events Center and will continue throughout the day with afternoon and evening sessions. Intermissions are expected near noon and late in the afternoon (around 4:30 p.m.). Other recesses may be called as necessary. Speakers must register on the day of the hearing, on site, at the Bren Events Center. Registration of speakers will begin at 10 a.m. The order of the speakers will be determined by the NOAA officials administering the hearing. Speakers generally will be recognized in the order in which they register (a first-come-first-served basis), alternating between individuals from the general public and those representing organizations. Specific periods are expected to be set aside during the afternoon and evening sessions for remarks by elected officials. Depending on the number of persons wishing to speak, speakers from the general public will receive up to three

minutes to present their oral comments. Elected officials and individuals representing organizations will receive five minutes to speak. Only one individual may speak on behalf of an organization.

Written comments on issues relevant to the Secretary's decision in this appeal may be submitted to NOAA at the hearing by any person in attendance. In addition, written comments may be submitted by e-mail to [gcos.comments@noaa.gov](mailto:gcos.comments@noaa.gov) or by mail addressed to Thomas Street, NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Comments must be received by August 4, 2008.

This hearing is being held to obtain information on issues the Secretary will likely consider in deciding the TCA's appeal. A summary of relevant issues as well as additional background on the appeal appeared in the **Federal Register** notice of March 17, 2008, announcing the appeal, and may be found on the Internet at <http://www.ogc.doc.gov/czma.com.htm>. This Web site also includes additional information on the hearing, including conduct and decorum that is required, restrictions on the use of cameras and recording equipment and the display of signs and banners in the hearing room, the process by which testimony will be transcribed and made part of the record, and other rules and guidelines. (Please see the set of Frequently Asked Questions regarding the hearing.)

Questions concerning the hearing should be directed to Thomas Street, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-2967, or Stephanie Campbell, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-2967, or [gcos.inquiries@noaa.gov](mailto:gcos.inquiries@noaa.gov).

Dated: June 2, 2008.

**Joel La Bissonniere,**

*Assistant General Counsel for Ocean Services.*

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Hydrographic Services Review Panel Meeting

**AGENCY:** National Ocean Service, National Oceanic and Atmospheric

Administration (NOAA), Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Hydrographic Services Review Panel (HSRP) was established by the Secretary of Commerce to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, its amendments, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

*Date and Time:* The public meeting will be held July 29-30, 2008, from 8 a.m. to 5 p.m. on July 29th and 8 a.m. to 12:30 p.m. on July 30th.

*Location:* San Francisco, California. Sheraton Fisherman's Wharf, 2500 Mason Street, San Francisco, CA, 94133. The times and agenda topics are subject to change. Refer to the HSRP website listed below for the most current meeting agenda.

**FOR FURTHER INFORMATION CONTACT:**

Captain Steven Barnum, NOAA, Designated Federal Official (DFO), Office of Coast Survey, National Ocean Service (NOS), NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301-713-2770, Fax: 301-713-4019; e-mail:

[Hydroservices.panel@noaa.gov](mailto:Hydroservices.panel@noaa.gov) or visit the NOAA HSRP Web site at <http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm>.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public and public comment periods will be scheduled at various times throughout the meeting. These comment periods will be part of the final agenda that will be published before the meeting date on the HSRP website listed above. Each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 30 copies) should be submitted to the DFO by July 16, 2008. Written comments received by the DFO after July 16, 2008, will be distributed to the HSRP, but may not be reviewed before the meeting date. Approximately 25 seats will be available for the public, on a first-come, first-served basis.

*Matters To Be Considered:* (1) Swearing in of new member; (2) Panel discussion with various stakeholders in the region on use of and interest in NOAA Navigation Services; (3) Updates on NOAA/California partnership on Integrated Ocean and Coastal Mapping (IOCM) project, NOAA's Height Modernization and Print on Demand; (4)

briefing on Climate and the Coasts and Arctic issues; and (5) public statements.

Dated: July 2, 2008.

**John Potts,**

*Acting, Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management.*

[FR Doc. E8-15509 Filed 7-7-08; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

RIN 0648-XI58

**Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea, Alaska**

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

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notice is hereby given that NMFS has issued a letter of authorization (LOA) to BP Exploration (Alaska), Inc. (BPXA) to take marine mammals incidental to the production of offshore oil and gas at the Northstar development in the Beaufort Sea off Alaska.

**DATES:** This Authorization is effective from July 7, 2008, through July 6, 2009.

**ADDRESSES:** The LOA and supporting documentation may be obtained by writing to P. Michael Payne, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, or by telephoning one of the contacts listed here.

**FOR FURTHER INFORMATION CONTACT:** Candace Nachman or Ken Hollingshead (301) 713-2289, or Brad Smith (907) 271-3023.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term "take" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals.

Authorization may be granted for periods up to 5 years if NMFS finds, after notice and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) of marine mammals for subsistence uses. In addition, NMFS must prescribe regulations setting forth the permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses. The regulations also must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of marine mammals incidental to construction and operation of the offshore oil and gas facility at Northstar were made effective on April 6, 2006 (71 FR 11314, March 7, 2006), and remain in effect until April 6, 2011. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements. The six species of marine mammals that BP may take in small numbers during construction and operation of the Northstar facility are bowhead whales, gray whales, beluga whales, ringed seals, spotted seals, and bearded seals.

**Summary of Request**

On May 27, 2008, NMFS received a request from BPXA for a renewal of an LOA issued on July 6, 2007, for the taking of small numbers of marine mammals incidental to oil production operations at Northstar, under the regulations issued on March 7, 2006 (71 FR 11314). This request (BPXA, 2008) contains information in compliance with 50 CFR 216.209, which updates information provided in BPXA's original application for takings incidental to construction and operations at Northstar. BPXA also submitted the required activity and monitoring report under the 2007-2008 LOA.

**Summary of Activity and Monitoring Under the 2007-2008 LOA**

One offshore ice road was built during the 2006-2007 ice-covered season. Helicopters made 135 round trips to Northstar during the 2006-2007 ice-covered season to transport crew and materials to and from the facility and recommended flight corridors and altitude restrictions were maintained. Hagglands tracked vehicles made 37 round trips between West Dock and Northstar Island, and the hovercraft

made 574 round trips during the 2006-2007 ice-covered season.

Drilling activities were conducted at two well sites from November 17, 2006, to May 1, 2007. No vibratory or impact pile driving activities took place during the present reporting period. The 2007 repair activities consisted of removing the concrete blocks in areas that had sustained erosion and/or block damage, installing a new layer of filter fabric, installing gravel bags of various sizes to build up and stabilize the subgrade, installing another layer of filter fabric and an overlying layer of geogrid to reduce the susceptibility of the fabric to abrasion, and installing the concrete block armor.

Each month, four to seven aerial surveys were conducted to inspect the pipeline for leaks or spills. There were 25 reportable Northstar-related spills during the 2006-2007 ice-covered season and the 2007 open-water season. Material spilled included drilling mud, corrosion inhibitor, sewage, methanol, motor oil, diesel fuel, hydraulic fluid, lube oil, and propylene glycol. Most of this material remained in contaminant and was recovered. All spilled material was contained and cleaned up. Contaminated snow, ice, and gravel were removed with various types of equipment, hand tools, and absorbents. No clean-up activity was necessary after Northstar flare events during the reporting period. On May 18, 2007, one quart of hydraulic fluid was released from a ditch witch; a portion of this fluid reached Beaufort Sea surface water. Shovels were used to scrape up the contaminated snow and ice from the spill site and sorbents were used to soak up the materials from the water surface. All the contaminated materials were recovered from the ice and water surface, thereby avoiding impact to the environment.

During the open-water period, there were 190 helicopter round trips, 347 hovercraft round trips, 40 tug and barge trips, and 137 Alaska Clean Seas Bay-class boat round trips to Northstar. There were an additional three trips by Bay-class boats in association with acoustic monitoring of the bowhead whale migration.

Seal observations in 2007 began on May 15 and were conducted almost daily through July 31. Over the standard period of May 15-July 15, a total of three seals were counted during 57 days. This was much less than the total number of observations in 2005 and 2006 over the same period. As in 2005 and 2006, no seals were observed after July 15, when some monitoring continued. Results of seal counts conducted from Northstar Island during