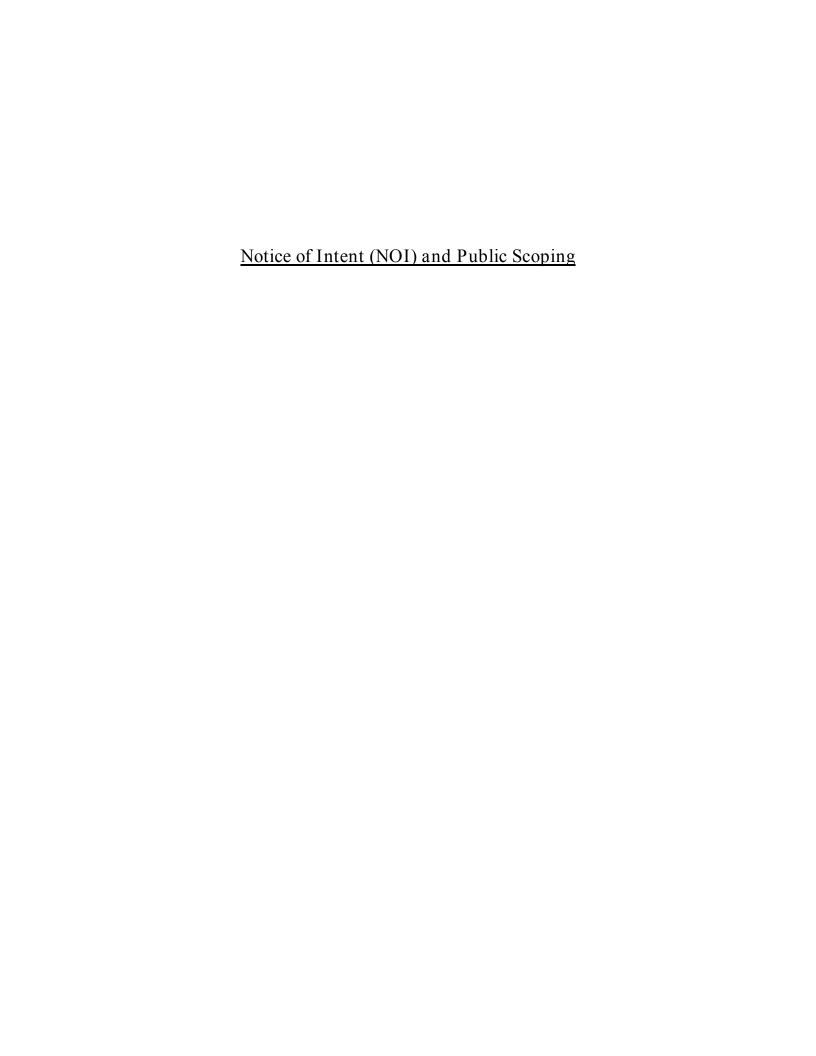
APPENDIX A: AGENCY AND PUBLIC CORRESPONDENCE/COORDINATION



respond: It is estimated that 255 persons submit 1,106 completed DEA Forms 250, at 1 hour per form, for an annual burden of 1,106 hours. It is estimated that 25 companies submit information pertaining to new drug applications or abbreviated new drug applications, at 2 hours per response, for an annual burden of 50 hours.

(6) An estimate of the total public burden (in hours) associated with the collection: It is estimated that the total annual burden associated with this information collection is 1,156 hours.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530, or by e-mail at brenda.e.dyer@usdoj.gov.

Dated: September 16, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–18903 Filed 9–21–05; 8:45 am] **BILLING CODE 4410–09–P**

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Prepare a
Programmatic Environmental Impact
Statement/Overseas Environmental
Impact Statement for the National
Science Foundation To Address
Potential Impacts on the Marine
Environment Related to the Use of
Seismic Sources in Support of NSFFunded Research by U.S. Academic
Scientists.

AGENCY: National Science Foundation. **ACTION:** Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the National Science Foundation (NSF) announces its intent to prepare a Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OES) to evaluate the potential environmental impacts associated with the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service (NMFS), a part of the National Oceanic and Atmospheric Administration, is being invited to be a cooperating agency in the preparation of the Programmatic EIS/OES.

Publication of this notice begins the official scoping process that will help

identify alternatives and determine the scope of environmental issues to be addressed in the Programmatic EIS/ OEIS. This notice requests public participation in the scoping process and provides information on how to participate.

ADDRESSES AND DATES: Public-scoping meetings will be held at the following dates, times, and locations:

- 1. Wednesday, October 5, 2005, 1–5 p.m., Silver Spring Metro Center Building 4, Science Center, 1301 East-West Highway, Silver Spring, MD;
- 2. Thursday, October 6, 2005, 5–9 p.m., J. Erick Jonhhon Center of the National Academy of Sciences, Carriage House, 314 Quissett Avenue, Woods Hole, MA;
- 3. Wednesday, October 12, 2005, 5–9 p.m., Room C126, 1000 Discovery Drive, Texas A&M University, College Station, TX;
- 4. Friday, October 14, 2005, 5–9 p.m., Egan Civic and Convention Center, 555 West Fifth Avenue, Anchorage, AK;
- 5. Monday, October 17, 2005, 5–9 p.m., 100 Vaughn Hall, Discovery Way, Scripps Institution of Oceanography, La Jolla, CA; and
- 6. Wednesday, October 19, 2005, 5–9 p.m., Ala Moana Hotel, 410 Atkinson Drive, Honolulu, HI.

Written comments will be accepted at these meetings as well as during the scoping period, and can be mailed to NSF by October 28, 2005 (see FOR FURTHER INFORMATION CONTACT).

FOR FURTHER INFORMATION CONTACT:

Written statements and questions regarding the scoping process should be mailed to Dr. Alexander Shor, Program Director, Oceanographic Instrumentation and Technical Services, Division of Ocean Sciences, National Science Foundation, 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230; voice (703) 292–8583 or e-mail at OCE-EIS@nsf.gov.

SUPPLEMENTARY INFORMATION: In the last 2 years, NSF has prepared 16 environmental assessments (EAs) on the impact of seismic noise on endangered species and marine mammals during planned marine research projects concerning the geology and geophysics of the seafloor. The EAs were prepared for various worldwide, academic research cruises that required the use of various marine seismic sources. These EAs were intended to address regulations and public concern over anthropogenic noise in the marine environment and its possible, negative impacts on marine life. They were prepared to address U.S. laws and regulations, including NEPA; the Marine Mammal Protection Act of 1972

(MMPA); the endangered Species Act of 1973 (ESA); and Executive Order (EO) 12114 (1979), Environmental Effects Abroad of Major Federal Actions. In some cases they have also been used as background information to address foreign regulations, especially where research has been carried out entirely or partially within territorial waters or Exclusive Economic Zone waters surrounding a foreign nation.

In each case, the NSF EA and a Finding of No Significant Impact (FONSI) has been used as the basis for consultation with NMFS Office of Protected Resources (OPR) under Section 7(a)(2) of the ESA, and in each case for which an action is finalized, NMFS OPR has issued a Biological Opinion and a related Incidental Take Statement authorizing the proposed project to be undertaken, and indicating any mitigation measures needed to reduce impacts on endangered species. In parallel with this effort, a separate application has been submitted for each cruise to apply for an Incidental Harassment Authorization (IHA) under the MMPA from NMFS OPR, and an IHA has also been issued by NMFS for each of the projects. Increasingly over the past 2 years, public comments have expressed concern that by evaluating individual projects in isolation, the cumulative impacts of NSF-funded seismic activities on the marine environment are not being adequately addressed. NSF and NMFS OPR personnel have examined this concern and have concluded that a Programmatic EIS/OEIS could provide both the holistic view of cumulative impacts, as well as provide the principal technical and environmental foundation to form the basis of evaluating environmental impacts of most NSFfunded seismic efforts.

The Programmatic EIS/OEIS will take a view of the planned program as a whole and thereby assemble and analyze the broadest range of direct, indirect, and cumulative impacts associated with the entire program rather than assessing individual cruises separately. This approach will also address possible concerns that NSF is analyzing their research program in segments, rather than holistically where the true cumulative impacts of the entire program can be identified. Further, the parent Programmatic EIS/ OEIS will provide a broad analytical backdrop within which NSF, using tiered documents, will be able to analyze cruise-specific issues relevant for analysis and decision. Additionally, it will streamline the preparation of subsequent environmental documents for the individual cruises and also

enable NSF to identify any prudent conservation practices and mitigation measures that may be applied across the entire program. The site-specific information is required by NMFS (and sometimes the U.S. Fish and Wildlife Service) for purposes of preparing Biological Opinions and Incidental Take Statements required by ESA.

The main focus of the Programmatic EIS/OEIS will be on the seismic operations to be conducted from NSF's primary seismic ship, soon to be the R/V Marcus G. Langseth. The Programmatic EIS/OEIS will address the variety of airgun configurations to be operated from the Langseth, as well as the multi-beam bathymetric sonar, subbottom profiler, and other acoustic sources to be deployed as standard equipment. In addition, the Programmatic EIS/OEIS will deal with the generally small airgun sources occasionally operated from other vessels under NSF sponsorship.

Major environmental issues that will be addressed in the Programmatic EIS/OEIS include marine biological resources including Essential Fish Habitat (EFH), acoustic impacts to marine mammals, fish, sea turtles, invertebrates, and threatened and endangered species; cultural resources; human health and safety; socioeconomics and land use (i.e., commercial, private, and recreational uses of the marine environment); and

water quality. NSF is initiating this scoping process for the purpose of determining the extent of issues to be addressed and identifying the significant issues related to this action. NSF will hold public scoping meetings as identified in the DATES AND ADDRESSES section of this notice. These meetings will also be advertised in area newspapers. NSF and NMFS representatives will be available at these meetings to receive comments from the public regarding issues of concern to the public. Federal, state, and local agencies and interested individuals are encouraged to take this opportunity to identify environmental concerns that should be addressed during the preparation of the Programmatic EIS/OEIS. Agencies and the public are also invited and encouraged to provide written comments on scoping issues in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe issues or topics that the commenter believes the Programmatic EIS/OEIS should address.

We invite you to learn about the NSF seismic research program at an informational open house, and to assist NSF in defining the alternatives and the scope of environmental issues related to the seismic research program. All our public meeting locations are wheelchair-accessible. If you plan to attend a scoping meeting/open house, and need special assistance such as sign language interpretation or other reasonable accommodation, please notify NSF (see FOR FURTHER INFORMATION CONTACT) at least 3 business days in advance. Include your contact information as well as information about your specific needs.

We request public comments or other relevant information on environmental issues related to the NSF seismic research program. The public meetings are not the only opportunity you have to comment. In addition to or in place of attending a meeting, you can submit comments to Dr. Alexander Shor by October 28, 2005 (see FOR FURTHER INFORMATION CONTACT). We will consider all comments received during the comment period. We request that you include in your comments:

- Your name and address (especially if you would like to receive a copy of the Draft Programmatic EIS/OEIS upon completion);
- An explanation for each comment; and
- Include any background materials to support your comments as you feel necessary.

You may mail, e-mail, or hand deliver your comments to NSF (see FOR FURTHER **INFORMATION CONTACT**). All comment submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. Please note that regardless of the method used for submitting comments or material, all submissions will be publicly available and, therefore, any personal information you provide in your comments will be open for public review. In addition, if you wish to receive a copy of the Draft Programmatic EIS/OEIS, please indicate this in your comment. No decision will be made to implement any alternative until the NEPA process is completed.

Dated: September 19, 2005.

Alexander Shor,

Program Director, Division of Ocean Sciences, National Science Foundation.

[FR Doc. 05–18962 Filed 9–21–05; 8:45 am] BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

AGENCY HOLDING MEETING: National Science Foundation, National Science Board and its Subdivisions

DATE AND TIME: September 28-29, 2005.

September 28, 2005, 8:15 a.m.–5 p.m. Sessions:

8:15 a.m.-9 a.m., Open; 9 a.m.-9:30 a.m., Closed; 9:30 a.m.-10:30 a.m., Open; 10:30 a.m.-11 a.m., Open; 11 a.m.-11:45 a.m., Open; 11:45 a.m.-12:05 p.m., Open; 12:05 p.m.-12:15 p.m., Closed; 12:45 p.m.-12:55 p.m., Closed; 12:55 p.m.-3 p.m., Open; 3 p.m.-5 p.m., Open. September 29, 2005, 8 a.m.-3:30 p.m.,

Sessions:
8:30 a.m.-10 a.m., Open;
10 a.m.-10:30 a.m., Closed;
10:30 a.m.-11 a.m., Open;
11 a.m.-11:15 a.m., Closed;

1 p.m.–1:15 p.m., Executive Closed; 1:15 p.m.–1:30 p.m., Closed; 1:30 p.m.–3:30 p.m., Open.

PLACE: National Science Foundation, 4201 Wilson Blvd, Room 1235, Arlington, VA 22230.

PUBLIC MEETING ATTENDANCE: All visitors must report to the NSF's visitor's desk at the 9th and N. Stuart Streets entrance to receive a visitor's badge.

CONTACT INFORMATION: Please refer to the National Science Board Web site (*www.nsf.gov/nsb*) for updated schedule. NSB Office: (703) 292–7000.

STATUS: Part of this meeting will be closed to the public. Part of this meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Wednesday, September 28, 2005

Oper

Committee on Programs and Plans Subcommittee on Polar Issues (8:15 a.m.–9 a.m.), Room 1235

- Chair's Remarks and Approval of Minutes
- OPP Director's Report
- Update on Icebreaker Issues
- Antarctic Geological Drilling Project
- Collaboration of Researchers with Native Communities: King Island, Alaska

Education and Human Resources Subcommittee on S&E Indicators (9:30 a.m.–10:30 a.m.), Room 1235

- Approval of Minutes
- Chairman's Remarks
- Brief Progress Report on Science and Engineering Indicators 2006
- Discussion of Draft Companion Piece
- Contractor Presentation on Indicators

Committee on Programs and Plans Task Force on Transformative Research (10:30 a.m.–11 a.m.), Room 1235

- Approval of Minutes
- Brief Overview of Workshop I: August 12, 2005

Workers press for slot machine bill, but measure seen as long shot

Hundreds of entry the state's four reactivacts packed a State House hearing yesterday to urge the passogs of a bill that would allow slot machine gam-bling at these etrugging facilities, but top lawmakers on both sides of the kern sold store providion of the issue said steep opposition in the House of Representatives

in the House of Representatives and the governor's office make the chances for such a bill to become law extremely film.

Direcen Carolan of Revere, a Wonderland Greetheand Park valet, and her nice Katie. Defended to showed up to the bearing dressed in one-armed bandle enstances to show support, but Carolan said the issue was hardly a laughing matter. My family has decleated its life to trustee, and it's diminishing resulter. track, and it's diminishing rap-idly." Carolan said, "We're only

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hanging on."
In the next two weeks the state
Schale is expected to debate a hill
on allowing slot machine gam-bling at the racetracks, said Mi-

chael W. Morrissey, a Quincy Democrat who chaired yesterday's hearing, Backers say the John measure would not only pump 5550 million in new revenues into the state in its first full year. In the world not only pump 5550 million in new revenues into the state in its first full year. In the world save the tracks from funnical ruin. But oppenments question promises of test new revenues, and in reichter the House nor the Senate has established enough xupport in the reichter to reversome a velo. Those familiary with the polling severable and and with the polling severable and and with the polling severable with the polling in the Senate.

Top aides to Senate President Robert E. Travaglini, whose district includes Suffolk Downs and Wonderland, are engaging reluction the polling of the district severable service in a bid to with broader support for the measure political and industry sources, and industry sources from the political and industry sources for similar with the planning said.

The House has 80 to 98 supporters of expanded gaming, according to several low-makers who



Katle DeBenedetto and her aunt Doreen Carolan were dressed as slot machines at the State House hearing yesterday. Hundreds of workers urged lawmakers to pass the slot machine bill.

workers to show up yesterday. The erowd, many wearing red T-shirts that depicted a slot machine and the slogan, "Why Not Mass.?".

checred wildly as sympathetic law-makers, hense trainers, and others made their case before the Joint Committee on Consumer Protection and Professional Licensure.

There can you turn your back produced to the Consumittee on Consumer Protection and Professional Endourage of the Consumer Cons "No." "What's the economic heue-fit?" he said. "It's really not there if

you run the numbers."

Bookey made his comments af-ter testifying at a separate hearing held yesterday by lawmakers op-posed to expanded gamling.

Proposal urges more tax relief for seniors

Auditor envisions state-run system

By Stephanie Ebbert

State Auditur Joseph DeNorey yesterday culted for doing away with a hodge-pedge of municipal senior tax-rulled programs and replacing them with a uniform state-run system that would serve homeowners 65 and older an average of \$1.44 % year on their property taxes.

In a report by his Division of Local Mandaters, DeNoret said the monerous base holls better with

Local Mandaus, DeNucei said the programs have not kept jurae with the original legislative intent to offset half of the state's median tax bill, which computed to \$1,446 last year instead, the average local tax exemption is new worth only about \$500, and properly values continue to soar.

romlimue to soar. Tax relief is also not consistent

Tax relief is also not consistent among localities, ranging from 8175 in 81,000. A senior eligible for exemplons in one consumity can get shut out after moving to another, according to the report. DeNucci recommended that he patchwarf of local programs be scrapped in favor of a state-run ax exemption that would expand an existing program under the state Department of Revenue has currently allows seniors 65 and

older to claim a state income tax credit of up to 8520 for the taxes they pay on their homes. Senting the pay of the top of the top

soniors find the resources to pay off their growing Lee hills. Deblac-ri's report gives testimony to the issue's longevity: He issued a simi-

in the conting weeks.

Over time, cities and towns have offered more and more local exemptions for which they do not receive state reimbursement. That creates inequities for both individuals and communities, DeNucci

The National Science Foundation (NSF) unnounces its intent The National Science Foundation (NSF) amounces its intent to prepare a Programmatic Environmental Impact Statement Overseas Favinoamental Impact Statement (EIS/OEIS) to address potential impacts on the marine environment related to the use of scientic sources in support of NSF-Induct research by U.S. academic scienties. The National Martine Fisheries Service (NMFS) is being invited to be a cooperating agency in the preparation of the Programmatic EIS-OEIS.

NSF is holding a public scaping meeting in Woods Hole, MA. Thursday, October 6, 5-9 Psl. This meeting will be an open hous format at the E. Jonsson Center of the National Academy of Sciences, 314 Cuissest Avenue, If you are unable to attend this open house meeting, you may submit written comments to:

Dr. Alexander Shor National Science Foundation 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230 or via email at OCE-EdS@nsf.gov

Although we will accept comments throughout the preparation of the EIS/OEIS, we recommend that your scoping comments be ser to NSF by October 28, 2005, to ensure equitable consideration in the Draft EIS/OEIS.

2 adults, toddler hurt in Route 3 crash

By John Ellement

By John Ellement

Sees were seen and the mother, survived a wild crush yesterday when
the care they were riding in stammed into a guardrail and
rolled over several times before
coming to rest on Route 3 in
Frointere. Authorities said they
are investigating whether the
crash stermed from drag racing.
State Police identified the drivor of the 2000 Chevrolet Impals as
Rachael Thibodomi, 18, of Weymouth and her passenger as
Katherine Joslyn, 20. also of
Weymouth. Citing privacy laws.

Weymouth. Citing privacy laws, State Police would not say which of the women is the child's modier, but another state official familia-with the facts of the crash said Jos-

Racing is probed as possible cause type is the mother. The official spoke on the condition of amonymous poke on the condition of amonymous anot directly involved in the case.

it because the second agency was modificed; browbed in the case. Both women and the child were taken to hostons Medical Center following the 3:30 a.m. a hospital spokesman zaid. Joslyna and host treatment at the hostenday following the 3:30 a.m. a hospital spokesman zaid. Joslyna was a contributing factor in the crash. Late yesterday afternoon, a hospital spokesman zaid. Joslyna was not intent at the hostild was not listed as a partent at the hostild and the year of the crash is said bright by injured.

The child was not listed as a partent at the hostild and the was only stightly hipture. The triopers and that troopers are trying to determine whether both Joslyna mad Thibbedeau were glass wearing safe the carne to rest in the right-mad and breakfown kunger sid. Thibodeau has a clean driving history according to the Registry to the carne to rest in the right-mad and breakfown kunger sid. Thibodeau has a clean driving history according to the Registry to the carne to rest in the right-mad and breakfown kunger sid. Thibodeau has a clean driving history according to the Registry to the carne to rest in the right-mad and breakfown kunger sid. Thibodeau has a contributing factor in the crash.

Thibodeau was partially thrown from the car after it crashed on Route 3 north, south of Exit 17 in Braintree.



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ATTN: KATHY ROSE

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The National Science Foundation (NSF) announces its intent to prepare a Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service (NMFS) is being invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

NSF is holding a public scoping meeting in La Jolla, CA, Monday, October 17, 5-9 PM. This meeting will be an open house format at the Scripps Institution of Oceanography, 100 Vaughn Hall, Discovery Way. If you are unable to attend this open house meeting, you may submit written comments to:

Dr. Alexander Shor National Science Foundation 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230 or via email at OCE-EIS@nsf.gov

Although we will accept comments throughout the preparation of the EIS/OEIS, we recommend that your scoping comments be sent to NSF by October 28, 2005, to ensure equitable consideration in the Draft EIS.

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intributing to the delinquency of a mor after he allegedly touched the rl inappropriately while she was at s home about 2:30 a.m. Sunday. he girl told her parents about the leged incident when she got home, ad they called police.

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ompiled from reports by staff riters.

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14-17-26-27-28 **5

7-22-27-48-50 ***17

2-22-23-24-29 †16

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NSF is holding a public scoping meeting in Silver Spring, MD, Wednesday, October 5, 1-5 PM. This meeting will be an open house format at the Silver Spring Metro Center Building 4, 1301 East-West Highway. If you are unable to attend this open house meeting, you may submit written comments to:

Dr. Alexander Shor National Science Foundation 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230 or via email at OCE-EIS@nsf.gov

Although we will accept comments throughout the preparation of the EIS/OEIS, we recommend that your scoping comments be sent to NSF by October 28, 2005, to ensure equitable consideration in the Draft EIS/OEIS.

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Grand Forks, N.D., she lived in the Angus, Minn., area until she was 4 and graduated from Warroad High School in 2002, That

summer she invited recruiter to their h signed up, Steve LaD

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Felicia LaDuke wa driver with the divis Transportation Comp Combat Support Ba March, she returned ployment in support tion Iraqi Freedom, dad said lasted seve While in Iraq she dr voys between Tikrii dad, sometimes wor door gunner.

The family isn't Felicia's body will be but her father said will be in Warro Church, where Fel was baptized.

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J. Lee contributed to this report.

Gordon and Grand Forks (N.D.) Herald reporter Stephen

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NSF is holding a public scoping meeting in Honolulu, HI, Wednesday, October 19, 5-9 PM. This meeting will be an open house format at the Ala Moana Hotel, 410 Atkinson Drive. If you are unable to attend this open house meeting, you may submit written comments to:

Dr. Alexander Shor National Science Foundation 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230 or via email at OCE-EIS@nsf.gov

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NSF is holding a public scoping meeting in College Station, TX on Wednesday, October 12, 5-9 PM. This meeting will be an open house format at Texas A&M University, 1000 Discovery Drive, Room C126. If you are unable to attend this open house meeting, you may submit written comments to:

> Dr. Alexander Shor National Science Foundation 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230 or via email at OCE-EIS@nsf.gov

Although we will accept comments throughout the preparation of the EIS/OEIS, we recommend that your scoping comments be sent to NSF by October 28, 2005, to ensure equitable consideration in the Draft EIS.

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30 a.m. - 1:00 p.m.

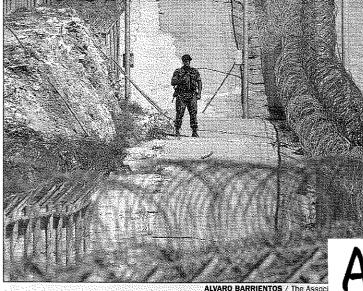
2 West Loop South

ase call (713) 869-7740.

<u>Houston≾</u>⁄chronicle Supporting our Community

Chronicle





Spanish soldiers patrol the border between Morocco and Spair enclave of Melilla on Thursday. Both countries are finalizing a return Africans who illegally entered Spain from Morocco.

nine miles from Melilla.

Morocco's communications minister, Nabil Benabdellah, said illegal immigration "is a delicate question that needs wise and rigorous treatment."

Morocco is a "victim" in the matter, he said, referring to the use of Moroccan soil by African immigrants hoping to make their way to Spain. He underscored the need for an approach that involves Morocco's neighbors as well as the European Union but did not specify a solution his North African nation would find acceptable.

On Sent 99 five

the past week and hund men scaling razor wire to reach the small outp

Europe. Spain announced pl expel the Africans as it gles to cope with an ov ing holding facility housin

immigrants in Melilla a

seemingly nonstop drive

migrants bound to reach ! Spain says it is acting u never enforced 1992 agre with Morocco that lets back immigrants arriving that country even if they Moroccan.

Under current Spanis nment lets Afric stay if they are that do not have oatriation agree Spain to send ie. Most of the come from de

y as ABC!





Anchorage Daily News Detaber 7,2005

Is It Wood or is it Laminate Can You Tell The Difference

8300 Briarwood • 349-9685 • 800-770-9685 • jdinteriors.com

The National Science Foundation (NSF) announces its intent to prepare a Programmatic Environmental Impact Statement/Overseas Environmental impact Statement (EIS/OEIS) to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service

(NMFS) is being invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

NSF is holding a public scoping meeting in Anchorage, Friday, October 14, 5-9 p.m. This meeting will be an open house format at the Egan Civic and Convention Center; Space 1, 13-14; 555 West Fifth Avenue. If you are unable to attend this open house meeting, you may submit written comments to:

Dr. Alexander Shor National Science Foundation 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230

or via e-mail at OCE-EIS@nsf.gov

Although we will accept comments throughout the preparation of the EIS/OEIS, we recommend that your scoping comments be sent to NSF by October 28, 2005, to ensure equitable consideration in the Draft EIS.



USFWS Headquarters 1849 C St. NW Washington, DC 20242

Dear Sir or Madam,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Marvin Moriarty
Field Supervisor (Regional Director)
USFWS
300 Westgate Center Dr
Hadley, MA 1035

Dear Mr. Moriarty,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor

Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Sue Hamilton Field Supervisor (Regional Director) USFWS 1875 Century Blvd Atlanta, GA 30345

Dear Ms. Hamilton,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

William Seawell Field Supervisor (Regional Director) USFWS 10711 Burnet Road, Ste. 200 Austin, TX 78758

Dear Mr. Seawell,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Steve Thompson Field Supervisor (Regional Director) USFWS 2800 Cottage Way Suite W2606 Sacramento, CA 95825

Dear Mr. Thompson,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Dave Allen Field Supervisor (Regional Director) USFWS 911 NE 11th St Portland, OR 97232

Dear Mr. Allen,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Tauline Davis
Field Supervisor (Regional Director)
USFWS
1011 East Tudor Rd
Anchorage, AK 99503

Dear Ms. Davis,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Ted Swem Wildlife Biologist USFWS 101 12th Avenue, Box 19 Fairbanks, AK 99701

Dear Mr. Swem,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Craig Perham Wildlife Biologist USFWS 1011 East Tudor Rd Anchorage, AK 99503

Dear Mr. Perham,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Maggie Ahmaogak Executive Director AEWC P.O. Box 570 Barrow, AK 99723

Dear Ms. Ahmaogak,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor

Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Craig George Wildlife Biologist DWM Department of Wildlife Management, North Slope Borough, PO Box 69 Barrow, AK 99723

Dear Mr. George,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Charles Brower Director Department of Wildlife Management North Slope Borough, PO Box 69 Barrow, AK 99723

Dear Mr. Brower,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

NOAA/NMFS Headquarters 14th St. & Consitution Ave Rm 6217 Washington, DC 20230

Dear Sir or Madam.

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for Alexander Shor

Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Patricia A. Kurkul Regional Administrator NOAA/NMFS One Blackburn Drive Gloucester, MA 1930

Dear Ms. Kurkul,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Dr. Roy E. Crabtree Regional Administrator NOAA/NMFS 236 13th Avenue South St. Petersburg , FL 33701

Dear Dr. Crabtree,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Rodney McInnis Regional Administrator NOAA/NMFS 501 W. Ocean Blvd Long Beach, CA 90802

Dear Mr. McInnis,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Bob Lohn Regional Administrator NOAA/NMFS 7600 Sand Point Way NE Seattle, WA 98115

Dear Mr. Lohn,

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for Alexander Shor Program Director

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Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

James Balsiger Regional Administrator NOAA/NMFS PO Box 21668 Juneau, AK 99802

Dear Mr. Balsiger,

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for Alexander Shor

Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Joseph Montgomery Director NEPA Compliance, Off. of Federal Activities USEPA 1200 Pennsylvania Ave., NW (6403J) Washington, DC 20460

Dear Mr. Montgomery,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Robert W. Varney Regional Administrator USEPA 1 Congress St Boston, MA

Dear Mr. Varney,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Alan J. Steinburg Regional Administrator USEPA 290 Broadway, 26th Floor New York, NY 10007

Dear Mr. Steinburg,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Donald S. Welsh Regional Administrator USEPA 1650 Arch St Philadelphia, PA 19103

Dear Mr. Welsh,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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Phone: (703) 292-7711 (Direct Line)

J.I. Palmer, Jr Regional Administrator USEPA 61 Forsyth Street, SW Atlanta, GA 30303

Dear Mr. Palmer,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

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Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Thomas V. Skinner Regional Administrator USEPA 77 West Jackson Blvd Chicago, IL 60604

Dear Mr. Skinner,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Richard Greene Regional Administrator USEPA 1445 Ross Avenue Dallas, TX 75202

Dear Mr. Greene,

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for Alexander Shor

Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

James B. Gulliford Regional Administrator USEPA 901 N. 5th Street Kansas City, KS 66101

Dear Mr. Gulliford,

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Program Director

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Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

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Phone: (703) 292-7711 (Direct Line)

Robbie Roberts Regional Administrator USEPA 999-18th St. Suite 300 Denver, CO 80202

Dear Mr. Roberts,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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Program Director

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Wayne Nastri Regional Administrator USEPA 75 Hawthorne Street San Francisco, CA 94105

Dear Mr. Nastri,

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Ron Kreizenbeck Regional Administrator USEPA 1200 Sixth Avenue Seattle, WA 98101

Dear Mr. Kreizenbeck,

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Tony MacDonald Executive Director Coastal States Organization 444 N. Capitol, NW Washington, DC 20001

Dear Mr. MacDonald,

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Minerals Management Service Environmental Branch 1849 C Street NW Washington, DC 20240

Dear Sir or Madam,

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G. Ed Richardson Minerals Management Service 139 Deerlake Drive Asheville, NC 28803

Dear Mr. Richardson,

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Written comments will be accepted at these meetings as well as during the scoping period, and can be sent to NSF by October 28, 2005. Information on addressing comments and details on NSF's proposal is available in the September 22, 2005 Federal Register.

for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

James Bennett Minerals Management Service/Environmental Branch 381 Elden Street, MS 4023 Herndon, VA 20170

Dear Mr. Bennett,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

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Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Minerals Management Service Environmental Branch 770 Paseo Camarillo Camarillo, CA 93010

Dear Sir or Madam,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

David Moore Minerals Management Service 381 Elden Street Herndon, VA 21071

Dear Mr. Moore,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Alaska Intertribal Council 431 West 7th Ave Suite 201 Anchorage, AK 99501

Dear Sir or Madam,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

National Congress of American Indians 1300 Connecticut Ave Suite 200 Washignton, DC 20036

Dear Sir or Madam.

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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for Alexander Shor

Program Director

Oceanographic Instrumentation and Technical Services

Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Office of Hawaiian Affairs 711 Kapi`olani Blvd. Suite 500 Honolulu, HI 96813

Dear Sir or Madam,

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

Northwest Indian Fisheries Council 6730 Martin Way E. Olympia, WA 98516

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The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725

Arlington, VA 22230

Phone: (703) 292-7711 (Direct Line)

National Tribal Environmental Council 2501 Rio Grande Blvd. NW, Suite A Albuquerque, NM 87104

Dear Sir or Madam.

The National Science Foundation (NSF) has announced its intention to prepare a Programmatic EIS/Overseas EIS to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists. The National Marine Fisheries Service will be invited to be a cooperating agency in the preparation of the Programmatic EIS/OEIS.

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PHONE (808) 594-1888



STATE OF HAWAI'I

OFFICE OF HAWAIIAN AFFAIRS 711 KAPI'OLANI BOULEVARD, SUITE 500 HONOLULU, HAWAI'I 96813

HRD05/2064

October 25, 2005

Alexander Shor Program Director Oceanographic Instrumentation and Technical Services Division of Ocean Sciences, NSF 4201 Wilson Boulevard, Suite 725 Arlington, VA 22230

RE: Request for public scoping on the preparations of a Programmatic EIS/Overseas EIS about potential impacts on the marine environment by the use of seismic sources in support of National Science Foundation-funded scientific research

Dear Alexander Shor,

The Office of Hawaiian Affairs (OHA) is in receipt of your September 29, 2005, request for comments on the above-referenced proposal. While our staff was unable to attend the public scoping meeting at the Ala Moana Hotel on October 19, 2005, we look forward to the opportunity to review and comment upon the forthcoming Draft Environmental Impact Statement.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Heidi Guth at (808) 594-1962 or e-mail her at heidig@oha.org.

Sincerely,

Clyde W. Nāmu'o

Ouplus 100

Administrator



United States Department of the Interior

U. S. GEOLOGICAL SURVEY Reston, VA 20192

In Reply Refer To: Mail Stop 423 ER 05/833 October 28, 2005

Dr. Alexander Shor, Program Director National Science Foundation 4201 Wilson Boulevard, Suite 725 Arlington, VA 22230

RE: Review of Notice of Intent to Prepare a Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for the National Science Foundation to Address Potential Impacts on the Marine Environment Related to the Use of Seismic Sources in Support of NSF-Funded Research by U.S. Academic Scientists

Dr. Alexander:

The U.S. Geological Survey has reviewed the programmatic/overseas environmental impact statements and has no comments.

Sincerely,

/Signed/

Lloyd H. Woosley, Jr., P.E. Chief, Environmental Affairs Program

Cc: EAP Chron, MS 423

USGS:WRD:LWOOSLEY:bjjohnso:x6832:10/28/05





By U.S. Mail and Email

October 28, 2005

Dr. Alexander Shor
Program Director
Oceanographic Instrumentation and Technical Services
Division of Ocean Sciences
National Science Foundation
4201 Wilson Blvd., Suit 725
Arlington, VA 22230

Email: OCE-EIS@nsf.gov

Re: Scoping comments for Programmatic EIS/OEIS for National Science

Foundation Funding of Research Using Seismic Sources

Dear Dr. Shor:

On behalf of the Natural Resources Defense Council ("NRDC") and our more than 650,000 members nationwide, I submit these scoping comments on the National Science Foundation's ("NSF") notice of intent to prepare a programmatic environmental impact statement and overseas environmental impact statement ("P/OEIS") for its funding of research by U.S. scientists using seismic sources. See "Notice of intent to prepare a Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for the National Science Foundation to address potential impacts on the marine environment related to the use of seismic sources in support of NSF-funded research by U.S. academic scientists," 70 Fed. Reg. 55630 (Sept. 22, 2005) ("Scoping Notice").

We appreciate NSF's commitment to prepare an EIS for these activities, as the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4331 et seq., requires. Moreover, NRDC welcomes the decision to review NSF's funding of seismic research programmatically. As you are aware, maritime acoustic activities such as the seismic surveys at issue here have the potential to kill, injure, and harass marine mammals and other marine life over wide geographic areas. It is imperative, in approaching such activities, that NSF incorporate the rigorous, objective analysis demanded by NEPA into the earliest possible stages of its planning. To this end, we offer the following comments and recommendations.

A. General Requirements of the National Environmental Policy Act

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Enacted by Congress in 1969, NEPA establishes a national policy to "encourage productive and enjoyable harmony between man and his environment" and "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. In order to achieve its broad goals, NEPA mandates that "to the fullest extent possible" the "policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with [NEPA]." 42 U.S.C. § 4332. As the Supreme Court explained,

NEPA's instruction that all federal agencies comply with the impact statement requirement – and with all the requirements of § 102 – "to the fullest extent possible" [cit. omit.] is neither accidental nor hyperbolic. Rather the phrase is a deliberate command that the duty NEPA imposes upon the agencies to consider environmental factors not be shunted aside in the bureaucratic shuffle.

Flint Ridge Development Co. v. Scenic Rivers Ass'n, 426 U.S. 776, 787 (1976).

Central to NEPA is its requirement that, before any federal action that "may significantly degrade some human environmental factor" can be undertaken, agencies must prepare an environmental impact statement. Steamboaters v. F.E.R.C., 759 F.2d 1382, 1392 (9th Cir. 1985) (emphasis in original). The fundamental purpose of an EIS is to force the decision-maker to take a "hard look" at a particular action – at the agency's need for it, at the environmental consequences it will have, and at more environmentally benign alternatives that may substitute for it – before the decision to proceed is made. 40 C.F.R. §§ 1500.1(b), 1502.1; Baltimore Gas & Electric v. NRDC, 462 U.S. 87, 97 (1983). The law is clear that the EIS must be a pre-decisional, objective, rigorous, and neutral document, not a work of advocacy to justify a decision that has already, in essence, been made.

A few of the elements most pertinent to the instant process may briefly be described as follows:

First, in order to satisfy NEPA, an EIS must include a "full and fair discussion of significant environmental impacts." 40 C.F.R. § 1502.1. It is not enough, for the purposes of this discussion, to consider the proposed action in isolation, divorced from other public and private activities that impinge upon the same resource; rather, it is incumbent on NSF to assess cumulative impacts as well, including the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future significant actions." Id. § 1508.7.

Second, the preparer of an EIS must make every attempt to obtain and disclose data necessary to its analysis. The simple assertion that "no information exists" will not suffice; unless the costs of obtaining the information are exorbitant, NEPA requires that it be obtained. See id. § 1502.22(a). If the costs are deemed excessive, then the EIS must explain the relevance of incomplete information, summarize existing credible scientific evidence on the issue, and evaluate impacts using theoretical approaches or research

case-by-case basis, but which may become practicable through application across the entire program. An example of such mitigation measures is source-based modification, especially as many or most of the research projects being funded will be conducted from one boat, the *R/V Marcus G. Langseth*. Doing so would fulfill NEPA's mandate to "inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts." 40 C.F.R. § 1502.1.

B. Specific Points Requiring Particular Emphasis

In light of the requirements discussed above, a number of points require further mention:

(1) Impacts of Ocean Noise on Marine Biota — As marine science and the courts have increasingly recognized, intense underwater sound can have a range of deleterious effects on marine mammals and other ocean life. See, e.g., National Parks & Conservation Ass'n v. Babbitt, 241 F.3d 722 (9th Cir. 2001); NRDC v. Evans, 279 F.Supp.2d 1129 (N.D. Cal. 2003); International Whaling Commission, Report of the Scientific Committee to the International Whaling Commission, at § 12.2.5 and Annex K (2004) (hereinafter "Report") (concluding that there is "now compelling evidence implicating anthropogenic sound as a potential threat to marine mammals" at both the "regional and ocean scale levels," and expressing, in particular, "serious concerns over seismic survey impacts on cetaceans".)²

The P/OEIS must take this important issue into account in a meaningful and comprehensive way, accounting not only for the possibility of direct physical injury to marine life from undersea noise, but also for behavioral effects and for delayed indirect effects that, in some cases, may be lethal or severe. See 40 C.F.R. § 1508.8 (requiring analysis of both direct and indirect impacts). In particular, the risk that animals exposed to intense noise will later succumb to ship-strikes or entanglements has been documented in the literature and should be addressed.³

² For a review of research on behavioral and auditory impacts of undersea noise, see, e.g., W. John Richardson et al., Marine Mammals and Noise (1995); Jonathan Gordon & Anna Moscrop, Underwater Noise Pollution and Its Significance for Whales and Dolphins, in The Conservation of Whales and Dolphins (M.P. Simmons & J.D. Hutchinson eds., 1996); National Research Council, Ocean Noise and Marine Mammals (2003). For two recent papers on strandings of whales associated specifically with seismic exploration, see M.H. Engel, M.C.C. Marcondes, C.C.A. Martins, F. O Luna, R.P. Lima, and A. Campos, Are Seismic Surveys Responsible for Cetacean Strandings? An Unusual Mortality of Adult Humpback Whales in Abrolhos Bank, Northeastern Coast of Brazil, IWC Doc. SC/56/E28 (2004); J. Hildebrand, Impacts of Anthropogenic Sound on Cetaceans, IWC Doc. SC/56/E13 (2004) (includes discussion of a stranding of Cuvier's beaked whales in the Gulf of California in September 2002).

³ S. Todd et al., Behavioral Effects of Exposure to Underwater Explosions in Humpback Whales (Megaptera novaeangliae), 74 Can. J. Zoology 1661 (1996); see also M. André et al., Are Low-Frequency Sounds a Marine Hearing Hazard?: A Case Study in the Canary Islands, 19 Proc. Inst. Acoustics 82 (1997).

- (2) Conflicts with Preservation Values The areas affected by seismic surveying to be conducted under this P/OEIS may include marine protected areas and preserves. Where this is the case, it can reasonably be anticipated that NSF's activities may have direct or indirect effects on their resources and values. NSF must consider these effects. See 40 C.F.R. § 1508.8. Potential conflicts with any other federal, state, or local policies governing use of the area must also be discussed.
- (3) Alternatives Analysis—The analysis of alternatives must be objective, unbiased and searching. In addition to the "no action" alternative (which, in this case, would mean denying NSF funding for seismic surveys), the EIS should consider alternative levels of restrictions on funded research, as well as alternative mitigation and monitoring measures. For example, the alternatives considered must take into account the possibility of restricting surveys geographically or temporally—restricting them from certain areas, or from certain areas at particular times of the year, or allowing them to proceed only in certain weather states and visual conditions—in order to lessen impacts on natural resources. They should also consider capping the total number of takes of protected species permissible under the funded projects. No alternative can be disregarded merely because it does not offer a complete solution to the problem. Natural Resources Defense Council v. Morton, 458 F.2d 827, 836 (D.C. Cir. 1972).
- (4) Monitoring and Additional Mitigation A thorough and well-planned monitoring program is essential, not only to keep such vulnerable species as marine mammals and sea turtles away from planned activities, but also to assess activities' indirect impacts and behavioral effects and to make appropriate changes in management if unforeseen impacts are observed. To begin with, any reliable program must provide independent observation and monitoring of acoustic activities, a well-funded response and reporting system for marine mammal strandings, and a means of investigating unusual mortality events, such as fish kills. Details of the monitoring program, including funding and identification of independent individuals, organizations, or agencies conducting the program, should be considered in the P/OEIS.

Furthermore, per 40 C.F.R. § 1502.14(f), NSF must consider ways to mitigate activities' impacts, in addition to modifying the source to reduce output to the lowest practicable levels and avoiding areas with high marine mammal and endangered species abundance. The importance of considering a wide variety of mitigation measures at the programmatic level is discussed *supra* at 3-4. Measures should include, for example and without limitation, safety zones, ⁴ other

⁴ Larger safety zones than those currently imposed by U.S. Minerals Management Service on industry seismic survey operations are supported by recent literature on the propagation of airgun noise. See, e.g., S.L. Nieukirk, K.M. Stafford, D.K. Mellinger, R.P. Dziak, and C.G. Fox, Low-Frequency Whale and Seismic Airgun Sounds Recorded in the Mid-Atlantic Ocean, 115 J. Acoust. Soc. Am. 1832 (2004)

operational restrictions, modifications to acoustic and other technologies, site remediation, reductions in activities, and the establishment of an independent, publicly inclusive committee to review relevant environmental management practices.⁵

(5) Cumulative and Synergistic Impacts – As mentioned above, in order to satisfy NEPA, an EIS must include a "full and fair discussion of significant environmental impacts." 40 C.F.R. § 1502.1. This discussion must take account of the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future significant actions." Id. § 1508.7.

A thorough cumulative impacts analysis is especially important to understanding the harm that may be caused by undersea noise generated by seismic surveys. In reporting that there is "now compelling evidence implicating anthropogenic sound as a potential threat to marine mammals" at both the "regional and ocean scale levels," the Scientific Committee of the International Whaling Commission has stressed the significance of cumulative effects from acoustic activities. International Whaling Commission, Report of the Scientific Committee to the International Whaling Commission, at Annex K § 6.4 (2004). The Committee found that evidence of increased sound from several different sources, including military sonar, ships and seismic activities, was "cause for serious concern." *Id.* at § 12.2.5.1. The Committee also noted "the potential for cumulative or synergistic effects of sounds . . . with non-acoustic anthropogenic stressors." *Id.*

These concerns highlight the importance of considering both the cumulative effects of various sources of noise on the natural resources of the area and the synergistic effects of such acoustic impacts together with other environmental stressors, such as chemical and biological pollution, habitat degradation, fishing bycatch, and ship strikes.

Here, the P/OEIS must consider at least the cumulative impacts of (1) all the research projects proposed to be funded by NSF, taken together; (2) all military activities in the region of these projects; (3) recreational watercraft activities in the region; and (4) industrial and commercial activities such as fishing and shipping that may impact the same populations of animals. These impacts must

(documenting significant propagation over N. Atlantic); International Whaling Commission, *Report* at Annex K (reporting data from C. Clark on nearly continuous sound produced by seismic surveys); M. Tolstoy, J.B. Diebold, S.C. Webb, D.R. Bohnenstiehl, E. Chapp, R.C. Holmes, and M. Rawson, *Broadband calibration of R/V* Ewing *seismic sources*, 31 Geophysical Res. Letters L14310 (2004) (measuring or estimating isopleths in various shallow and deep water scenarios).

⁵ In choosing mitigation and monitoring measures to analyze, NSF should consider measures proposed for use in other jurisdictions. See, e.g., URS Australia, Draft Review of DEH Guidelines on the Application of the EPBC Act to Interactions between Offshore Seismic Operations and Larger Cetaceans, Task Two: Review of Management Practices at App. B (May 12, 2004) (summary of proposed mitigations for various jurisdictions).

be considered in light of current and reasonably foreseeable future environmental stressors. Only by analyzing these impacts together – by considering, for example, how they may cumulatively compromise biologically important activities by elevating stress, masking relevant sounds, and altering behavior – can NSF reach a full understanding of the environmental consequences of its proposed funding.

Similarly, NSF's analysis cannot be limited only to the activities' direct effects, i.e., effects that occur at the same time and place as the proposed activities themselves. See 40 C.F.R. § 1508.8(a). It must also take into account their indirect effects, which, though reasonably foreseeable, may occur later in time or at a farther remove. See id. § 1508.8(b). This requirement is particularly critical in the present case given the potential of underwater noise to cause indirect harms not clearly observable in the short or immediate term. For example, any analysis of the effects of acoustic activities must discuss indirect effects such as shifts in abundance or distribution of prey species and secondary effects of hearing loss.

(6) Range of Species and Impacts – The P/OEIS must carefully investigate, describe, and analyze potential impacts to the affected environment and to all species that may be impacted, including, but not limited to, marine mammals, sea turtles, fish, invertebrates, and sea birds. Marine mammals should not be the sole focus of the analysis. Indeed, although marine mammals have been the subject of much research on the effects of underwater noise, other species are also put at risk by such noise—especially by noise generated by seismic survey airguns—including commercial fish stocks, snow crabs, and giant squid. Impacts on these and other species must be considered.

⁶ For representative studies showing harm to other species from anthropogenic noise, see Popper, A., "Effects of anthropogenic sounds on fishes," Fisheries 28 (Oct. 2003): pp. 24-31; McCauley, R., J. Fewtrell, and A.N. Popper, "High intensity anthropogenic sound damages fish ears," Journal of the Acoustical Society of America 113 (2003): pp. 638-42; McCauley, R. et al., Marine seismic surveys: analysis and propagation of air-gun signals; and effects of air-gun exposure on humpback whales, sea turtles, fishes and squid (Perth: Curtin University Centre for Marine Science and Technology, 2000); Engås, A., S. Løkkeborg, E. Ona, and A.V. Soldal, "Effects of seismic shooting on local abundance and catch rates of cod (Gadus morhua) and haddock (Melanogrammus aeglefinus)," Canadian Journal of Fisheries and Aquatic. Sciences 53 (1996): pp. 2238-2249; Guerra, A., A.F. Gonzalez and F. Rocha, "A review of records of giant squid in the north-eastern Atlantic and severe injuries in Architeuthis dux stranded after acoustic exploration," Abstract, presented to the Annual Science Conference of the International Council for the Exploration of the Sea (2004); D. MacKenzie, Seismic Surveys May Kill Giant Squid, New Scientist News Service, Sept. 22, 2004, available at www.newscientist.com/news/ news.jsp?id=ns99996437; M.L. Lenhardt, Seismic and Very Low Frequency Sound-Induced Behaviors in Captive Loggerhead Marine Turtles (Caretta caretta), in Proceedings, Fourteenth Annual Symposium on Sea Turtle Biology and Conservation (1994) (NOAA Tech. Memo. NMFS-SEFSC-351); Secretaria de Medio Ambiente y Recursos Natuales, Direccion General de Vida Silvestre, Delegacion Federal en Campeche, Relación de tortugas varadas en la costa de Campeche del 20 de Diciembre de 2003 al 12 de Febrero de 2004 (2004); Fisheries and Oceans Canada, "Potential Impacts of Seismic Energy on Snow Crab" (Sept. 2004) (Draft Habitat Status Report).

- (7) Impacts on Endangered Species While analyzing potential impacts of the proposed expansion on all species that may be affected, the P/OEIS must pay particular heed to vulnerable species, including especially those listed species, such as whales and sea turtles, that have been shown to be particularly vulnerable to disturbance from intense undersea noise.
- (8) Impacts on Human Divers High-intensity seismic survey noise may have adverse impacts on human divers. The effects of this proposed rulemaking on human divers must be incorporated into the P/OEIS.
- (9) Public Disclosure Disclosure of the specific activities contemplated by NSF is essential if the P/OEIS process is to be a meaningful one. See, e.g., LaFlamme v. F.E.R.C., 852 F.2d 389, 398 (9th Cir. 1988) (noting that NEPA's goal is to facilitate "widespread discussion and consideration of the environmental risks and remedies associated with [a proposed action]"). NSF must describe the full extent of noise-producing activities to be funded, as well as source levels, frequency ranges, and other technical parameters relevant to determining their potential impacts. Without this information, the P/OEIS process will be inadequate, with the public guessing at the nature of the activities to take place.
- (10) Tiering concerns -- Programmatic review is important for allowing comprehensive consideration of related impacts from different aspects of a program, and we applaud NSF's decision to perform a comprehensive analysis of the impacts of its seismic survey research funding. At the same time, however, we urge NSF to avoid the most common pitfalls of programmatic review, such as the deferral of important analysis to the site-specific stage, which in turn gets short shrift in reliance on the programmatic EIS. Here, NSF should be careful to tackle important questions—such as those concerning source-based mitigation—up front and not defer them until funding commitments have already been made to specific research projects. NSF should also take care to provide notice of proposed decisions, and the right to comment on those proposed decisions, through each stage of review.
- (11) Compliance with Other Federal and State Laws A number of federal laws are implicated by the research funding at issue here. Among those that should be disclosed and addressed in the P/OEIS are the following:

First, NSF should address fully its proposal to fulfill the requirements of the Marine Mammal Protection Act, 16 U.S.C. § 1361 et seq. As you know, any actions adopted through the present process must conform with the incidental take provisions, including the "small numbers" and "negligible impact" standards, of the MMPA. See, e.g., NRDC v. Evans, 279 F.Supp.2d 1129, 1141 (N.D. Cal.

⁷ NEPA Task Force, Report to the Council on Environmental Quality: Modernizing NEPA Implementation (Sept. 2003), p. 39 (NEPA Task Force report).

2003). In addition, NSF should address the methods and means of effecting the "least practicable adverse impact" on species and stock and their habitat. *Id*.

Second, the federal Endangered Species Act, 16 U.S.C. § 1531 et seg., requires NSF to enter into formal consultation with NMFS and the U.S. Fish and Wildlife Service and receive a legally valid Incidental Take Permit prior to its "take" of any endangered or threatened marine mammals or other threatened or endangered species, including fish, sea turtles, or birds, or its "adverse modification" of any designated critical habitat. See, e.g., 16 U.S.C. 1536(a)(2); Romero-Barcelo v. Brown, 643 F. 2d 835 (1st Cir. 1981), rev'd on other grounds, Weinberger v. Romero-Barcelo, 456 U.S. 304, 313 (1982). Under NMFS' regulations, formal consultation must be requested by NSF (or by NMFS) where agency action "may affect listed species or critical habitat." 50 C.F.R. § 402.14(a), (c). In addition to an Incidental Take Permit, each of these consultations must result in a Biological Opinion that validly concludes no jeopardy and no adverse modification of critical habitat before the federal action may proceed. Moreover, NSF is prohibited from irretrievably committing resources to the proposed action until these consultations are complete. 16 U.S.C. § 1536(d). NSF should address fully its compliance with these requirements in its funding of seismic survey activities.

Third, the federal consistency provisions of the Coastal Zone Management Act, 16 U.S.C. § 1456(c)(1)(A), govern the resources off the coast and may also apply.

As you know, we are committed to minimizing the impact of high-energy seismic surveys on the marine environment, including on marine mammals. We remain confident that NSF's scientific mission can be met in ways consistent with the conservation of our natural resources. Thank you for your consideration of our comments on this important matter.

Very truly yours,

Cara Horowitz

Project Attorney

Encl.