

from impulse sources and 120 dB re 1  $\mu$ Pa (rms) from non-impulse sources), are expected to cause brief startle reactions or short-term behavioral modification by the animals. These brief reactions and behavioral changes are expected to disappear when the exposures cease. Therefore, these levels of received underwater construction noise from the proposed Manette Bridge replacement project are not expected to affect marine mammal annual rates of recruitment or survival.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required mitigation and monitoring measures, NMFS finds that the Manette Bridge replacement project will result in the incidental take of small numbers of Pacific harbor seals, California sea lions, and gray whales by Level B harassment only, and that the total taking from harassment will have a negligible impact on the affected species or stocks.

#### **Impact on Availability of Affected Species for Taking for Subsistence Uses**

There are no relevant subsistence uses of marine mammals implicated by this action.

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

There are two marine mammal species and two fish species that are listed as endangered or threatened under the ESA with confirmed or possible occurrence in the study area: Eastern North Pacific Southern Resident killer whale, Eastern U.S. Steller sea lion, Chinook salmon, and steelhead trout. Under section 7 of the ESA, the Federal Highway Administration (FHWA) and WSDOT have consulted with NMFS Northwest Regional Office (NWRO) on the proposed Manette Bridge replacement project. In a memo issued with its August 3, 2009, Biological Opinion, NMFS NWRO stated that the proposed bridge replacement may affect, but is not likely to adversely affect the listed marine mammal species and stocks. On May 28, 2010, FHWA requested the reinitiation of section 7 consultation with NMFS NWRO on the newly ESA-listed three Puget Sound rockfish species. The consultation is expected to be completed in July 2010.

The issuance of an IHA to WSDOT constitutes an agency action that authorizes an activity that may affect ESA-listed species and, therefore, is subject to section 7 of the ESA. As the effects of the activities on listed marine mammals and salmonids were analyzed during a formal consultation between

the FHWA and NMFS, and as the underlying action has not changed from that considered in the consultation, the discussion of effects that are contained in the Biological Opinion and accompanying memo issued to the FHWA on August 3, 2009, pertains also to this action. Therefore, NMFS has determined that issuance of an IHA for this activity would not lead to any effects to listed marine mammal species apart from those that were considered in the consultation on FHWA's action. Although the reinitiation of section 7 consultation by FHWA on three Puget Sound rockfish species is still on-going, NMFS does not expect that the outcome would affect NMFS' action in issuing an IHA for the incidental take of marine mammals.

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

To meet NMFS' NEPA requirements for the issuance of an IHA to the WSDOT, NMFS has prepared an Environmental Assessment (EA) that is specific to the construction and demolishing activities associated with the Manette Bridge replacement project in Bremerton, WA. NMFS has prepared an EA titled *Issuance of an Incidental Harassment Authorization to the Washington State Department of Transportation to Take Marine Mammals by Harassment Incidental to Manette Bridge Replacement Project in Bremerton, Washington*, that evaluates the impacts on the human environment of NMFS' authorization of incidental Level B harassment resulting from the specified activity in the specified geographic region. The NMFS has made a Finding of No Significant Impact (FONSI) and, therefore, it is not necessary to prepare an environmental impact statement for the issuance of an IHA to WSDOT for this activity. A copy of the EA and the NMFS FONSI for this activity is available upon request (see ADDRESSES).

As a result of these determinations, NMFS has issued an IHA to the WSDOT to conduct construction and demolishing activities associated with the Manette Bridge replacement project in Bremerton, WA, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: June 29, 2010.

**Helen Golde,**

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

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## **CONSUMER PRODUCT SAFETY COMMISSION**

### **Sunshine Act Meetings**

**TIME AND DATE:** Wednesday, July 7, 2010; 2 p.m.–3 p.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Closed to the Public.

**MATTERS TO BE CONSIDERED:**

#### **Compliance Status Report**

The Commission staff will brief the Commission on the status of compliance matters.

For a recorded message containing the latest agenda information, call (301) 504-7948.

#### **CONTACT PERSON FOR MORE INFORMATION:**

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: June 29, 2010.

**Todd A. Stevenson,**  
*Secretary.*

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## **CONSUMER PRODUCT SAFETY COMMISSION**

### **Sunshine Act Meetings**

**TIME AND DATE:** Wednesday, July 7, 2010, 10 a.m.–12:30 p.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Commission Meeting—Open to the Public.

**MATTERS TO BE CONSIDERED:**

1. Decisional Matters: (a) Accreditation for Third Party Conformity Assessment Bodies for Testing for Children's Products: Carpets and Rugs; and (b) Accreditation for Third Party Conformity Assessment Bodies for Testing for Children's Products: Vinyl Plastic Film.

2. Cribs—Notice of Proposed Rulemaking (NPR).

3. Interim Policy and Partial Lifting of the Stay on Component Testing and Certification of Children's Toys and Child Care Articles to the Phthalates Limits.

A live Webcast of the Meeting can be viewed at <http://www.cpsc.gov/webcast>.

For a recorded message containing the latest agenda information, call (301) 504-7948.

#### **CONTACT PERSON FOR MORE INFORMATION:**

Todd A. Stevenson, Office of the