

Historic Preservation Officer, the U.S. Coast Guard, and the U.S. Environmental Protection Agency.

*Other Environmental Review and Consultation:* The proposed action would involve evaluation for compliance with guidelines pursuant to Section 404(b)(1) of the Clean Water Act, water quality certification (application to the State of Florida) pursuant to Section 401 of the Clean Water Act, certification of state lands, easements, and rights-of-way, determination of Coastal Zone Management Act Consistency, and the use of the Ocean Dredged Material Disposal Site for Palm Beach Harbor pursuant to the Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act).

*Agency Role:* As the cooperating agency, non-Federal sponsor and leading local expert, the Port of Palm Beach will provide information and assistance on the resources to be impacted, mitigation measures and alternatives. Other agencies having either regulatory authority or special expertise may also be invited to become a cooperating agency in preparation of the EIS.

*Draft EIS Preparation:* It is estimated that the Draft EIS will be available to the public by November 2008. As the study and EIS develop, additional information will be posted under Palm Beach County on the Jacksonville District's Environmental Documents web page at: <http://planning.sj.usace.army.mil/envdocs/envdocsb.htm>. The status of any Florida Department of Environmental Protection application submitted for permit of this action will be posted on the internet at: <http://www.dep.state.fl.us/beaches/permitting/permits.htm>.

Dated: December 6, 2007.

**Marie G. Burns,**

*Acting Chief, Planning Division.*

[FR Doc. E7-24150 Filed 12-12-07; 8:45 am]

BILLING CODE 3710-AJ-P

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### **U.S. Army Corps of Engineers (Corps) Regulatory Guidance Letter (RGL) 07-02: Exemptions for Construction or Maintenance of Irrigation Ditches and Maintenance of Drainage Ditches under Section 404 of the Clean Water Act (CWA)**

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Notice of availability.

**SUMMARY:** The Corps issued RGL 07-02 to further explain the regulatory exemptions for construction or maintenance of irrigation ditches and maintenance of drainage ditches consistent with Section 404(f) of the CWA (33 U.S.C. 1251 et seq.) and implementing regulations. Specifically, the RGL clarifies when Section 404(f) exempts from permitting requirements discharges of dredged or fill material into waters of the United States associated with the construction and maintenance of irrigation ditches and maintenance of drainage ditches. The RGL also clarifies how certain terms in the regulations at 33 CFR 323.4 are applied in the context of the Sections 404(f) exemptions, including irrigation ditch, drainage ditch, construction, and maintenance. In addition, the guidance provides a framework for determining the applicability of the exemptions and the recapture provision, consistent with the CWA and implementing regulations. This RGL was effective July 4, 2007.

**DATES:** Comments must be received on or before February 11, 2008.

**ADDRESSES:** Submit your comments, identified by docket number COE-2007-0038, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Kimberly.S.McLaughlin@usace.army.mil. Include the docket number, COE-2007-0038 in the subject line of the message.
- *Mail:* 441 G Street, NW., Washington, DC 20314.
- *Hand Delivery:* 441 G Street, NW., Washington, DC 20314. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to docket number COE-2007-0038. The Corps's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means the Corps will not know your identity or contact information unless you provide it in the body of

your comment. If you send an e-mail comment directly to the Corps without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the Corps recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the Corps cannot read your comment due to technical difficulties and cannot contact you for clarification, the Corps may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at 441 G Street, NW., Washington, DC 20314. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kim McLaughlin, Regulatory Community of Practice (CECW-CO), U.S. Army Corps of Engineers, Headquarters, 441 G Street, NW., Washington, DC 20314; telephone number: (202) 761-7763; fax number: (202) 761-5096; e-mail address: [Kimberly.S.McLaughlin@usace.army.mil](mailto:Kimberly.S.McLaughlin@usace.army.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

The Corps is requesting public comment on RGL 07-02, which is available at: <http://www.usace.army.mil/cw/cecwo/reg/rpls/rgl07-02.pdf>.

At the same time, the Corps appreciates that the public has considerable interest in the issues addressed in this guidance. The Corps is particularly interested in hearing from the public regarding their actual experience with implementing the guidance. The Corps is providing a 60-day public comment period, and encourages the public to provide comments informed by actual experience. To assure the public of our commitment to carefully consider their comments, and to address issues that

may unexpectedly arise during implementation of the guidance, the Corps may within one year from the date of issuance reissue, revise, or suspend the guidance. The Corps intends to provide examples and best management practices, including clarification of key terminology, upon receipt and consideration of public comments.

Dated: December 4, 2007.

**Michael G.ensch,**

*Chief, Operations, Directorate of Civil Works.*  
[FR Doc. E7-24191 Filed 12-12-07; 8:45 am]

BILLING CODE 3710-92-P

## DEPARTMENT OF EDUCATION

### Office of Safe and Drug-Free Schools; Overview Information; Elementary and Secondary School Counseling Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic  
Assistance (CFDA) Number: 84.215E.

#### DATES:

Applications Available: December 13,  
2007.

Deadline for Transmittal of

Applications: January 28, 2008.

Deadline for Intergovernmental Review:  
March 27, 2008.

#### Full Text of Announcement

#### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the Elementary and Secondary School Counseling Program is to support efforts by local educational agencies (LEAs) to establish or expand elementary school and secondary school counseling programs.

*Priority:* In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 5421 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA) (20 U.S.C. 7245).

*Absolute Priority:* For FY 2008 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Establish or expand counseling programs in elementary schools, secondary schools, or both.

*Definitions:* The following definitions are from 34 CFR part 77 and apply to this competition:

*Elementary school* means a day or residential school that provides

elementary education, as determined under State law.

*Secondary school* means a day or residential school that provides secondary education, as determined under State law. In the absence of State law, the Secretary may determine, with respect to that State, whether the term includes education beyond the twelfth grade.

*Program Authority:* 20 U.S.C. 7245.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, 99, and 299. (b) The notice of final eligibility requirement for the Office of Safe and Drug-Free Schools discretionary grant programs published in the **Federal Register** on December 4, 2006 (71 FR 70369).

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

#### II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration's budget request for FY 2008 does not include funds for this program. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program. Contingent upon the availability of funds and the quality of applications, we may make additional awards later in FY 2008 and in FY 2009 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:*  
\$250,000–\$400,000.

*Estimated Average Size of Awards:*  
\$350,000.

*Maximum Award:* \$400,000.

**Note:** Section 5421(a)(5) of ESEA limits the amount of a grant under this program in any one year to a maximum of \$400,000.

*Estimated Number of Awards:* 50.

**Note:** Section 5421(g)(1) of ESEA requires that for any fiscal year in which the amount of funds made available by the Secretary for this program equals or exceeds \$40,000,000, the Secretary shall award not less than \$40,000,000 to enable LEAs to establish or expand counseling programs in elementary schools. Under this notice applicants may propose projects that establish or expand counseling programs in elementary schools, secondary schools, or both.

**Note:** We will use the highest grade an applicant proposes to serve under its grant to determine if the application will be considered for funding from amounts available for elementary school counseling programs only or from amounts available for elementary or secondary school counseling

programs (or both), along with the applicant State's law that defines what grade levels constitute an elementary school in the State.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 36 months.

#### III. Eligibility Information

1. *Eligible Applicants:* (a) LEAs, including charter schools that are considered LEAs under State law.

(b) LEAs that currently have an active grant under the Elementary and Secondary School Counseling Program are not eligible to apply for an award in this competition. For the purpose of this eligibility requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

2.a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program has supplement-not-supplant funding requirements. Section 5421(b)(2)(G) of ESEA requires applicants under this program to assure that program funds will be used to supplement, and not supplant, any other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

#### IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: <http://www.ed.gov/programs/elseccounseling/applicant.html>.

To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794-1398. Telephone, toll free: 1-877-433-7827. FAX: (301) 470-1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1-877-576-7734.

You can contact ED Pubs at its Web site also: <http://www.ed.gov/pubs/edpubs.html> or at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.215E.

To obtain a copy from the program office, contact: Loretta McDaniel, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E214, Washington, DC 20202-6450. Telephone: (202) 260-2661 or by e-mail: