

information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendation for funding are made to the Grants Officer. Selected applicants may be asked to modify objectives, project plans or budgets, and provide supplemental information required by the agency prior to the award. When a decision has been made (whether an award or declination), verbatim anonymous copies of reviews and summaries of review panel deliberations, if any, will be made available to the applicant. In anticipation of additional funding, applications declined funding in FY2008 may be retained for up to 1 year for consideration for funding in FY2009.

***Intergovernmental Review:***

Applications under this program are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

***Limitation of Liability:*** In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige NOAA to award any specific project or to obligate any available funds.

***National Environmental Policy Act (NEPA):*** NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA Web site: <http://www.nepa.noaa.gov/>, including our NOAA Administrative Order 216–6 for NEPA, [http://www.nepa.noaa.gov/NAO216\\_6\\_TOC.pdf](http://www.nepa.noaa.gov/NAO216_6_TOC.pdf), and the Council on Environmental Quality implementation regulations, [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm). Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be

requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

***The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:*** The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

***Paperwork Reduction Act:*** This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF–LLL and CD–346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

***Executive Order 12866:*** This notice has been determined to be not significant for purposes of Executive Order 12866.

***Executive Order 13132 (Federalism):*** It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

***Administrative Procedure Act/Regulatory Flexibility Act:*** Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

Therefore, a regulatory flexibility analysis has not been prepared.

**Helen Hurcombe,**

*Director, Acquisition and Grants Office.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Foothill/Eastern Transportation Corridor Agency

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).

**ACTION:** Notice of appeal.

**SUMMARY:** This announcement provides notice that Foothill/Eastern Transportation Corridor Agency (TCA) has filed an administrative appeal with the Department of Commerce asking that the Secretary override the California Coastal Commission's (CCC) objection to TCA's construction of an extension to California State Route 241 in northern San Diego and southern Orange Counties, California.

**ADDRESSES:** Materials from the appeal record will be available at the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 and on the following Web site: <http://www.ogc.doc.gov/czma.htm>.

**FOR FURTHER INFORMATION CONTACT:** Thomas Street, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–2967, [gcos.inquiries@noaa.gov](mailto:gcos.inquiries@noaa.gov) or Stephanie Campbell, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–2967, [gcos.inquiries@noaa.gov](mailto:gcos.inquiries@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Appeal

On February 15, 2008, TCA filed notice of an appeal with the Secretary of Commerce (Secretary), pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR Part 930, Subpart H. TCA appealed an objection to its construction of an extension to California State Route 241 in northern San Diego and southern Orange Counties, California.

Under the CZMA, the Secretary may override CCC's objection on grounds that the project is consistent with the objectives or purposes of the CZMA or otherwise necessary in the interest of national security. To make the

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

## II. Opportunity for Federal Agency and Public Comment and Public Hearing

Pursuant to regulation, the public and interested Federal agencies may submit any comments on this appeal from April 28, 2008—May 28, 2008. All comments should be directed in writing to the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 or via e-mail to [gcos.comments@noaa.gov](mailto:gcos.comments@noaa.gov).

Federal regulations also allow for a public hearing for this appeal, occurring at the Secretary's own initiative or upon request. A request for a public hearing must be filed with the Secretary within 30 days of the date of this notice's publication in the **Federal Register**. Such requests should be directed in writing to the Secretary at the following address: Thomas Street, staff attorney, NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910.

## III. Appeal Documents

NOAA intends to provide the public with access to all publicly available materials and related documents comprising the appeal record during business hours, at the NOAA Office of General Counsel for Ocean Services. For additional information about this appeal, please contact Thomas Street, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-2967, [gcos.inquiries@noaa.gov](mailto:gcos.inquiries@noaa.gov) or Stephanie Campbell, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-2967, [gcos.inquiries@noaa.gov](mailto:gcos.inquiries@noaa.gov).

Dated: March 11, 2008.

**Joel La Bissonniere,**

*Assistant General Counsel for Ocean Services.*

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XG26

### Fisheries of the Exclusive Economic Zone off Alaska; Application for an Exempted Fishing Permit

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

**ACTION:** Notice; receipt of an application for an exempted fishing permit.

**SUMMARY:** This notice announces receipt of an application for an exempted fishing permit (EFP) from the Alaska Groundfish Databank. If granted, this permit would allow the applicant to continue the development and testing of an electronic monitoring system designed to quantify the amount of halibut caught and discarded at sea. This activity is intended to promote the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) by potentially allowing for an alternative cost effective estimation of halibut bycatch in the rockfish fishery. Comments will be accepted at the April 1-7, 2008, North Pacific Fishery Management Council (Council) meeting in Anchorage, AK.

**DATES:** Interested persons may comment on the EFP application and on the environmental assessment during the Council's April 1-7, 2008, meeting in Anchorage, AK.

**ADDRESSES:** The Council meeting will be held at the Hilton Hotel, 500 West Third Ave., Anchorage, AK.

Copies of the EFP application and the basis for a categorical exclusion under the National Environmental Policy Act are available by writing to the Alaska Region, NMFS, P. O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian. The application also is available from the Alaska Region, NMFS website at <http://www.fakr.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Watson, 907-586-7537 or [jennifer.watson@noaa.gov](mailto:jennifer.watson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS manages the domestic groundfish fisheries in the Gulf of Alaska (GOA) under the FMP. The Council prepared the FMP under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679. The FMP and the implementing regulations at §§ 600.745(b) and 679.6 authorize issuance of EFPs to allow fishing that

would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations. NMFS received an application for an EFP from the Alaska Groundfish Databank on March 3, 2008. The purposes of the EFP project are to continue testing a video-based electronic monitoring (EM) system that is designed to quantify the amount of halibut discarded at sea; to investigate mechanisms for implementing regulations for such a system; and to investigate how EM data can be integrated into the NMFS catch accounting system.

### Background

NMFS issued a final rule to implement the Central GOA rockfish pilot program on November 20, 2006 (71 FR 67210). This program established a quota based fishery organized around fishing cooperatives for vessels and processors with historic participation in the Central GOA rockfish fisheries. Participating cooperatives are given quotas of various rockfish and non-rockfish species as well as sufficient halibut prohibited species quota (PSC) to conduct those fisheries. With the exception of halibut PSC, all quota harvested by catcher vessels must be landed at a participating processor where quota accounting takes place. Halibut PSC must be discarded at-sea and halibut catch is estimated by at-sea observers. In order to credibly account for halibut discard, and to ensure that the discard of other quota species does not occur, NMFS required that observer coverage be increased from 30 to 100% when the program was implemented. Industry is concerned that costs associated with full observer coverage are high relative to the increased revenue of the program. Further, NMFS believes that wherever possible quota catch should be accounted for based on a full census of catch. This is not possible for halibut PSC under the current system. To address these concerns Alaska Groundfish Databank developed, in conjunction with NMFS staff, an alternative approach to manage shoreside rockfish fisheries that could include the use of EM to replace a portion of the required observer coverage.

The EM system is designed to ensure that nothing other than halibut is discarded at sea, and to quantify the amount of halibut discarded. Cameras designed to give an overview of the entire deck are installed to ensure that discard only occurs in a single specified location. Other cameras, focused on the specified location, photograph each halibut as it is discarded. All data from