

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****49 CFR Part 611**

[Docket No. FTA-2015-0007]

RIN 2132-ZA03

**Notice of Availability of Proposed Interim Policy Guidance for the Capital Investment Grant Program****AGENCY:** Federal Transit Administration (FTA), DOT.**ACTION:** Notice of availability of proposed interim policy guidance; request for comments.

**SUMMARY:** The Federal Transit Administration (FTA) invites public comment on interim policy guidance the agency is proposing for the Capital Investment Grant (CIG) program. The proposed interim guidance has been placed in the docket and posted on the FTA Web site. If adopted, this proposed interim policy guidance will complement FTA's regulations that govern the CIG program by providing a deeper level of detail about the methods for applying the project justification and local financial commitment criteria for rating and evaluating New Starts, Small Starts, and Core Capacity Improvement projects, and the procedures for getting through the steps in the process required by law.

**DATES:** Comments must be received on or before May 8, 2015. Any comments received beyond this deadline will be considered to the extent practicable.

**ADDRESSES:** You may submit comments to DOT docket number FTA-2015-0007 by any of the following methods:

*Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

*U.S. Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12-140, Washington, DC 20590-0001.

*Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Fax:* 202-493-2251.

*Instructions:* You must include the agency name (Federal Transit Administration) and docket number (FTA-2015-0007) for this notice at the beginning of your comments. You must submit two copies of your comments if you submit them by mail. If you wish

to receive confirmation FTA received your comments, you must include a self-addressed, stamped postcard. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties submitting comments may wish to consider using an express mail firm to ensure prompt filing of any submissions not filed electronically or by hand.

All comments received will be posted, without charge and including any personal information provided, to <http://www.regulations.gov>, where they will be available to internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477. For access to the docket and to read background documents and comments received, go to <http://www.regulations.gov> at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Management Facility, West Building Ground Floor, Room W12-140, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Day, FTA Office of Planning and Environment, telephone (202) 366-5159 or [Elizabeth.Day@dot.gov](mailto:Elizabeth.Day@dot.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to 49 U.S.C. 5309(g)(5), FTA is obliged to publish policy guidance on the review and evaluation process and criteria for projects eligible for Federal funding under the CIG program each time the agency makes significant changes to the process and criteria, and in any event, at least once every two years. Also, FTA is obliged to invite public comment on the guidance, and to publish its response to comments. In brief, the policy guidance that FTA periodically issues for the discretionary Capital Investment Grant ("CIG") program complements the FTA regulations that govern the CIG program, codified at 49 CFR part 611. The regulations set forth the process that grant applicants must follow to be considered eligible for discretionary funding under the CIG program, and the procedures and criteria FTA uses to rate and evaluate the projects eligible for that discretionary funding. The policy guidance provides a greater level of detail about the methods FTA uses to apply the criteria for both project justification and local financial commitment, and the sequential steps a sponsor must follow in developing a project.

The interim policy guidance FTA is proposing today is available in its

entirety on the agency's public Web site at <http://www.fta.dot.gov>, and in the docket at <http://www.regulations.gov>. It is approximately 100 typewritten pages in length, arranged in three stand-alone chapters for each of the three types of projects eligible for CIG funds: New Starts, Small Starts, and Core Capacity Improvements. Each chapter provides a short introduction, a discussion of eligibility for that type of project, a summary of the requirements for entry into and getting through each step of the CIG process, information on each of the project evaluation criteria, and an explanation of how FTA will determine the overall rating for a project. Each type of project in the CIG program—a New Start, Small Start, or Core Capacity Improvement—is governed by a unique set of requirements, although there are many similarities amongst the three sets of requirements.

Most importantly, the guidance proposed today addresses four subjects not addressed in either the regulations or previous policy guidance for the CIG program. These are, specifically: (1) The measures and breakpoints for the congestion relief criterion applicable to New Starts and Small Starts projects; (2) the evaluation and rating process for Core Capacity Improvement projects, including the measures and breakpoints for all the project justification and local financial commitment criteria applicable to those projects; (3) the prerequisites for entry into each phase of the CIG process for each type of project in the CIG program, and the requirements for completing each phase of that process; and (4) ways in which certain New Starts, Small Starts, and Core Capacity Improvement projects can qualify for "warrants" entitling them to automatic ratings on some of the evaluation criteria. Readers should please direct their comments to these four subjects. All the other material in this guidance document has been developed through public notice-and-comment for the regulations at 49 CFR part 611 or the previous policy guidance for the CIG program. The newly proposed requirements are clearly identified in the text of each chapter, and in an accompanying table, for easy reference.

This proposed policy guidance is characterized as "interim" in that, in the near future, FTA will initiate a rulemaking to amend the regulations at 49 CFR part 611 to fully carry out the authorization statute for the CIG program, 49 U.S.C. 5309, as amended by the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141; July 6, 2012) ("MAP-21"). The information gained through the public comment

process on this proposed interim policy guidance will inform the future rulemaking. After reviewing and responding to the comments received on this proposed guidance, FTA will issue a final iteration of the interim guidance, and then initiate the rulemaking.

**Therese W. McMillan,**

*Acting Federal Transit Administrator.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 140611492-5308-01]

RIN 0648-BE30

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 20

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement Regulatory Amendment 20 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) (Regulatory Amendment 20), as prepared and submitted by the South Atlantic Fishery Management Council (Council). If implemented, this proposed rule would revise the snowy grouper annual catch limits (ACLs), commercial trip limit, and recreational fishing season. The purpose of this rule is to help achieve optimum yield (OY) and prevent overfishing of snowy grouper while enhancing socio-economic opportunities within the snapper-grouper fishery in accordance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Written comments must be received on or before May 8, 2015.

**ADDRESSES:** You may submit comments on the proposed rule, identified by “NOAA-NMFS-2015-0003” by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov)#!/docketDetail;D=NOAA-NMFS-2015-

0003, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Nikhil Mehta, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of the regulatory amendment, which includes an environmental assessment and an initial regulatory flexibility analysis (IRFA), may be obtained from the Southeast Regional Office Web site at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/s\\_atl/sg/2015/reg\\_am20/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2015/reg_am20/index.html).

**FOR FURTHER INFORMATION CONTACT:** Nikhil Mehta, telephone: 727-824-5305, or email: [nikhil.mehta@noaa.gov](mailto:nikhil.mehta@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Snowy grouper is in the snapper-grouper fishery of the South Atlantic and is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

#### Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to achieve on a continuing basis the OY from federally-managed fish stocks. This mandate is intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

#### Management Measures Contained in This Proposed Rule

This proposed rule would revise the snowy grouper ACLs for both the commercial and recreational sectors, revise the commercial trip limits, and revise the recreational fishing season. All weights described in the preamble of this proposed rule are in gutted weight.

#### Snowy Grouper Commercial and Recreational ACLs

In 2013, a standard stock assessment for snowy grouper was conducted using the Southeast Data, Assessment, and Review (SEDAR) process (SEDAR 36). SEDAR 36 indicates the snowy grouper stock is no longer undergoing overfishing, remains overfished, and is rebuilding.

Snowy grouper is in a rebuilding plan and catch levels are currently being held constant as the stock rebuilds. While the amendment states that it is changing the rebuilding strategy, the effect of the action is to adopt the acceptable biological catch (ABC) chosen by the Council as recommended by the Council’s Scientific and Statistical Committee (SSC) based upon the stock assessment. The Council’s SSC recommended an ABC equal to the yield at 75 percent of the fishing mortality at maximum sustainable yield ( $F_{MSY}$ ), which would allow ABC to increase as the stock rebuilds.

The current ABC is 87,254 lb (39,578 kg), which equals the total allowable catch specified by the rebuilding strategy in Amendment 15A to the FMP. As described in Regulatory Amendment 20, the ABC would increase to 139,098 lb (63,094 kg) in 2015; 151,518 lb (68,727 kg) in 2016; 163,109 lb (73,985 kg) in 2017; 173,873 lb (78,867 kg) in 2018; and 185,464 lb (84,125 kg) in 2019 and subsequent fishing years.

SEDAR 36 updated the historical landings data for snowy grouper from the Marine Recreational Fisheries Statistical Survey (MRFSS) to the Marine Recreational Information Program (MRIP). Additionally, recreational landings from Monroe County, Florida, which encompasses the islands of the Florida Keys, were included in the SEDAR 36 stock assessment. The recreational landings data from Monroe County were not included in the first stock assessment conducted for snowy grouper in 2004 (SEDAR 4) because it was not possible at that time to separate out the data from Monroe County from the landings data for the rest of the west coast of Florida. However, in 2013, a method was developed for extracting and separating the recreational landings from Monroe County from the rest of the west coast of Florida and therefore, the Monroe County recreational data were included in SEDAR 36. When applying the existing allocation formula for snowy grouper to the change in landings from the SEDAR 36 assessment, a shift results in the sector ACLs from 95 percent commercial and 5 percent recreational