

1. *Importance and Applicability (18 points)*: This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to the priorities presented in the solicitation.

2. *Technical/Scientific Merit (28 points)*: This criterion assesses whether the project activity or approach is technically sound, if the methods are appropriate, and whether there are clear goals and objectives.

3. *Overall Qualifications of Applicant (24 points)*: This criterion ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to support the proposed award.

4. *Project Costs (20 points)*: This criterion evaluates the budget to determine if it is realistic and commensurate with the project's needs and time-frame.

5. *Outreach and Education (10 points)*: NOAA assesses whether the recipient can deliver a focused and effective training and community outreach strategy for the GulfCorps.

#### Review and Selection Process

Applications will undergo an initial administrative review to determine if they are eligible and complete, per Section III of the full FFO posted at [www.Grants.gov](http://www.Grants.gov). Eligible applications will be evaluated by three or more merit reviewers as part of a panel review process to determine how well they meet the program priorities and evaluation criteria of this solicitation. The Selecting Official anticipates recommending applications for funding in rank order unless an application is justified to be selected out of rank order based upon one or more of the following selection factors: (1) Availability of funding; (2) Balance/distribution of funds: (a) by geographic area, (b) by type of institutions, (c) by type of partners, (d) by research areas; or (e) by project types; (3) Whether the project duplicates other projects funded or considered for funding by NOAA or other federal agencies; (4) Program priorities and policy factors set out in section I.A. and I.B. of the FFO; (5) An applicant's prior award performance; (6) Partnerships and/or participation of targeted groups; and (7) Adequacy of information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendations for funding are made to the NOAA GMD. Hence, awards may not necessarily be made to the highest-scored applications. Unsuccessful applicants will be notified that their application was not among those recommended for funding. Unsuccessful

applications submitted in hard copy will be kept on file in accordance with NOAA records requirements and then destroyed.

#### Intergovernmental Review

Applications submitted under the FFO are subject to the provisions of Executive Order 12372, "Intergovernmental Review of Programs." Any applicant submitting an application for funding is required to complete item 16 on Form SF-424 regarding clearance by the State Single Point of Contact (SPOC). To find out about and comply with a State's process under Executive Order 12372, the names, addresses and phone numbers of participating SPOC's are listed on the Office of Management and Budget's home page at: [http://www.whitehouse.gov/omb/grants\\_spoc](http://www.whitehouse.gov/omb/grants_spoc).

#### 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

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 funds. Further details regarding NOAA's compliance with NEPA can be found in the full Federal Funding Opportunity.

#### Administrative and National Policy Requirements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of December 30, 2014 (79 FR 78390) are applicable to this solicitation. Additional administrative and national policy requirements are described in the full Federal Funding Opportunity.

#### 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 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 4040-0004, 4040-0006, 4040-0007, and 4040-0013. 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 implications as that term is defined in Executive Order 13132.

#### Administrative Procedure Act/Regulatory Flexibility Act

Prior notices 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.

Dated: December 8, 2016.

Carrie Selberg,

Deputy Director, Office of Habitat Conservation, National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XE940

#### 2017 Annual Determination to Implement the Sea Turtle Observer Requirement

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

**ACTION:** Notice.

**SUMMARY:** The National Marine Fisheries Service (NMFS) is providing notification that the agency will not identify additional fisheries to observe on the Annual Determination (AD) for 2017, pursuant to its authority under the Endangered Species Act (ESA). Through the AD, NMFS identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean that will be required to take observers upon NMFS'

request. The purpose of observing identified fisheries is to learn more about sea turtle interactions in a given fishery, evaluate measures to prevent or reduce sea turtle takes, and implement the prohibition against sea turtle takes. Fisheries identified on the 2015 AD (see Table 1) remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until December 31, 2019.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for a listing of all Regional Offices.

**FOR FURTHER INFORMATION CONTACT:** Sara Wissmann, Office of Protected Resources, 301-427-8402; Ellen Keane, Greater Atlantic Region, 978-282-8476; Dennis Klemm, Southeast Region, 727-824-5312; Dan Lawson, West Coast Region, 562-980-3209; Irene Kelly, Pacific Islands Region, 808-725-5141. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Availability of Published Materials**

Information regarding the Sea Turtle Observer Requirement for Fisheries (72 FR 43176; August 3, 2007) may be obtained online at [www.nmfs.noaa.gov/pr/species/turtles/regulations.htm](http://www.nmfs.noaa.gov/pr/species/turtles/regulations.htm) or from any NMFS Regional Office at the addresses listed below:

- NMFS, Greater Atlantic Region, 55 Great Republic Drive, Gloucester, MA 01930;
- NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701;
- NMFS, West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802;
- NMFS, Pacific Islands Region, Protected Resources, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

**Purpose of the Sea Turtle Observer Requirement**

Under the ESA, 16 U.S.C. 1531 *et seq.*, NMFS has the responsibility to implement programs to conserve marine species listed as endangered or threatened. All sea turtles found in U.S. waters are listed as either endangered or threatened under the ESA. Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*; North Pacific distinct population segment), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and olive ridley (*Lepidochelys olivacea*; breeding colony on the Pacific Coast of Mexico) sea turtles are listed as

endangered. Green (*Chelonia mydas*; North Atlantic, Central North Pacific, and East Pacific distinct population segments), loggerhead (*Caretta caretta*; Northwest Atlantic distinct population segment), and olive ridley (*Lepidochelys olivacea*; all except the breeding colony on the Pacific Coast of Mexico) sea turtles are listed as threatened. Due to the inability to distinguish between populations of olive ridley turtles away from the nesting beach, NMFS considers these turtles endangered wherever they occur in U.S. waters. While some sea turtle populations have shown signs of recovery, many populations continue to decline.

Incidental take, or bycatch, in fishing gear is the primary anthropogenic source of sea turtle injury and mortality in U.S. waters. Section 9 of the ESA prohibits the take (including harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting or attempting to engage in any such conduct), including incidental take, of endangered sea turtles. Pursuant to section 4(d) of the ESA, NMFS has issued regulations extending the prohibition of take, with exceptions, to threatened sea turtles (50 CFR 223.205 and 223.206). The purpose of the sea turtle observer requirement and the AD is ultimately to implement ESA sections 9 and 4(d), which prohibit the incidental take of endangered and threatened sea turtles, respectively, and to conserve sea turtles. Section 11 of the ESA provides for civil and criminal penalties for anyone who violates a regulation issued pursuant to the ESA, including regulations that implement the take prohibition, as well as for the issuance of regulations to enforce the take prohibitions. NMFS may grant exceptions to the take prohibitions for activities that are covered by an incidental take statement or an incidental take permit issued pursuant to ESA section 7 or 10, respectively. To do so, NMFS must determine the activity that will result in incidental take is not likely to jeopardize the continued existence of the affected listed species. For some Federal fisheries and most state fisheries, NMFS has not granted an exception for incidental takes of sea turtles primarily because we lack information about fishery-sea turtle interactions.

The most effective way for NMFS to learn about sea turtle-fishery interactions, in order to implement management measures and prevent or minimize take, is to place observers aboard fishing vessels. In 2007, NMFS issued a regulation (50 CFR 222.402) establishing procedures to annually identify, pursuant to specified criteria

and after notice and opportunity for comment, those fisheries in which the agency intends to place observers (72 FR 43176; August 3, 2007). These regulations specify that NMFS may place observers on U.S. fishing vessels, commercial or recreational, operating in U.S. territorial waters, the U.S. exclusive economic zone (EEZ), or on the high seas, or on vessels that are otherwise subject to the jurisdiction of the United States. Failure to comply with the requirements under this rule may result in civil or criminal penalties under the ESA.

Where observers are required, NMFS will pay the direct costs for vessels to carry observers. These include observer salary and insurance costs. NMFS may also evaluate other potential direct costs, should they arise. Once selected, a fishery will be eligible to be observed for a period of five years without further action by NMFS. This will enable NMFS to develop an appropriate sampling protocol to investigate whether, how, when, where, and under what conditions incidental takes are occurring; evaluate whether existing measures are minimizing or preventing takes; and develop ESA management measures that implement the prohibitions against take and that conserve sea turtles.

**2017 Annual Determination**

Pursuant to 50 CFR 222.402, NOAA's Assistant Administrator for Fisheries (AA), in consultation with Regional Administrators and Fisheries Science Center Directors, annually identifies fisheries for inclusion on the AD based on the extent to which:

- (1) The fishery operates in the same waters and at the same time as sea turtles are present;
- (2) The fishery operates at the same time or prior to elevated sea turtle strandings; or
- (3) The fishery uses a gear or technique that is known or likely to result in incidental take of sea turtles based on documented or reported takes in the same or similar fisheries; and
- (4) NMFS intends to monitor the fishery and anticipates that it will have the funds to do so.

NMFS is providing notification that the agency is not identifying additional fisheries to observe on the 2017 AD, pursuant to its authority under the ESA. NMFS is not identifying additional fisheries at this time given lack of dedicated resources to implement new observer programs or expand existing observer programs to focus on sea turtles (50 CFR 222.402(a)(4)). The 14 fisheries identified on the 2015 AD (see Table 1) remain on the AD for a 5-year

period and are therefore required to carry observers upon NMFS' request until December 31, 2019.

TABLE 1—STATE AND FEDERAL COMMERCIAL FISHERIES INCLUDED ON THE 2015 ANNUAL DETERMINATION

Fishery	Years eligible to carry observers
<b>Trawl Fisheries</b>	
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl .....	2015–2019
Gulf of Mexico mixed species fish trawl .....	2015–2019
<b>Gillnet Fisheries</b>	
California halibut, white seabass and other species set gillnet (>3.5 in mesh) .....	2015–2019
California yellowtail, barracuda, and white seabass drift gillnet (mesh size >3.5 in. and <14 in.) .....	2015–2019
Chesapeake Bay inshore gillnet .....	2015–2019
Long Island inshore gillnet .....	2015–2019
North Carolina inshore gillnet .....	2015–2019
Gulf of Mexico gillnet .....	2015–2019
<b>Trap/Pot Fisheries</b>	
Atlantic blue crab trap/pot .....	2015–2019
Atlantic mixed species trap/pot .....	2015–2019
Northeast/Mid-Atlantic American lobster trap/pot .....	2015–2019
<b>Pound Net/Weir/Seine Fisheries</b>	
Mid-Atlantic haul/beach seine .....	2015–2019
Mid-Atlantic menhaden purse seine .....	2015–2019
Rhode Island floating trap .....	2015–2019

Dated: December 8, 2016.  
**Donna S. Wieting**  
*Director, Office of Protected Resources,*  
*National Marine Fisheries Service.*  
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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**[Transmittal No. 16–76]**

**36(b)(1) Arms Sales Notification**

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the

requirements of section 155 of Public Law 104–164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pam Young, DSCA/SE&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–76 with attached Policy Justification and Sensitivity of Technology.

Dated: December 9, 2016.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*