

**ADDRESSES:** All e-mail comments on issues relevant to the Secretary of Commerce's (Secretary) decision in this appeal may be submitted to *Islander East.comments@noaa.gov*. Comments may also be sent by mail to the Office of the General Counsel for Ocean Services, National Oceanic Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910. Materials from the appeal record are available at the Internet site <http://www.ogc.doc.gov/czma.htm> and at the Office of the General Counsel for Ocean Services. Also, public filings made by the parties to the appeal are to be available for review at the Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, CT.

**FOR FURTHER INFORMATION CONTACT:** Branden Blum, Senior Counselor, NOAA Office of the General Counsel, via e-mail at *GCOS.inquiries@noaa.gov*, or at 301-713-2967, extension 186.

**SUPPLEMENTARY INFORMATION:**

**I. Remand and Stay**

In November 2002, the Islander East Pipeline Company, L.L.C. (Islander East) filed a notice of appeal with the Department of Commerce (Department), pursuant to the Coastal Zone Management Act of 1972 (CZMA), as amended, asking that the Secretary of Commerce override the State of Connecticut's (State) objection to Islander East's proposed natural gas pipeline. The pipeline would extend from near North Haven, Connecticut, across the Long Island Sound to a terminus in Suffolk County (Long Island), New York. Connecticut's objection is based on the project's potential effect on the natural resources or land and water uses of Connecticut's coastal zone.

In March 2003, and then in early May 2003, the Department granted, and then extended, a stay of proceedings for this appeal, as jointly requested by the parties. Subsequently, on May 15, 2003, Islander East requested the Department of Commerce to: (1) Continue the stay then in place regarding the Department's proceeding of the appeal; and (2) remand the proceeding to the Connecticut Department of Environmental Protection. The remand would allow the State to reconsider its October 2002 objection to the proposed pipeline project, based on new information submitted by Islander East. The new information primarily involves changes proposed to minimize adverse environmental impacts to Long Island Sound that may result from construction of the proposed pipeline. The changes

are intended to address concerns which were a basis for the State's objection to the project.

The State of Connecticut advised the Department on May 23, 2003, that it did not object to a remand; nor did it object to the period of the remand ending no later than July 31, 2003, as proposed by Islander East. On June 2, 2003, the Department granted the requested remand and stay pursuant to 15 CFR 930.129(d).

**II. Public Comments**

During the remand and stay, the public may continue to submit comments to the Department of Commerce (see address section above) on issues to be considered if the appeal recommences. A summary of the grounds for which Islander East requested an override of the State's objection appears in the **Federal Register** at 68 FR 3513. The public comment period, which was announced in this same issue of the **Federal Register** as ending on May 8, 2003, is reopened through July 31, 2003. Comments received after May 8, 2003, but before the publication of this notice, will be considered to be timely filed.

**III. Other Procedural Matters**

This portion of the **Federal Register** notice provides information concerning other procedural aspects of the Islander East appeal that are affected by the remand and stay. The Federal agency comment period will be reopened and letters announcing this action will be sent to agencies whose views were previously solicited but not yet received. If the Department resumes processing the appeal, both the public and federal agency comment periods will be further extended in order to provide an adequate opportunity to consider the State of Connecticut's brief. (The State's brief had been due on March 24, 2003. As announced previously, the State's brief is now due 45 days after the appeal has recommenced.) **Note:** the additional time for comments, to be provided if the appeal recommences, will not be commensurate with the length of the stays. This is a change to advice contained in a **Federal Register** notice announcing the stay granted on March 17, 2003 (see 68 FR 14401), and reflects the ongoing nature of the stay. The stay requested at the time we provided our earlier advice is far shorter than the overall length of the stay as subsequently extended.

The scheduling of a public hearing on the appeal will continue to be delayed until after processing of the appeal

resumes, consistent with the earlier request of Islander East and the State.

A summary of relevant issues as well as additional background on the appeal appears in a January 24, 2003, **Federal Register** announcement, 68 FR 3513, a copy of which can be found at the Department of Commerce CZMA appeals Web site [www.ogc.doc.gov/czma.htm](http://www.ogc.doc.gov/czma.htm). The Web site also provides access to documents from the appeal record and general information concerning the appeal process.

Questions about the stay for the Islander East appeal may be sent to NOAA via e-mail (*GCOS.inquiries@noaa.gov*) or made by telephone (301 713-2967, extension 186).

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.)

Dated: June 11, 2003.

**James R. Walpole,**  
General Counsel.

[FR Doc. 03-15206 Filed 6-16-03; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 060303B]

**Marine Mammals; File No. 550-1712**

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

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that Bernd Wursig, Ph.D., Professor and Director of the Institute of Marine Life Sciences, Texas A&M University, 4700 Avenue U, Building 303, Galveston, TX 77551, has applied in due form for a five-year permit to take bottlenose dolphins (*Tursiops truncatus*) for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before July 17, 2003.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

**FOR FURTHER INFORMATION CONTACT:** Jill Lewandowski or Carrie Hubard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The proposed research is a continuation of behavioral ecology studies of bottlenose dolphins in the Gulf of Mexico along the Texas and Louisiana coastline. The applicant is specifically requesting to take bottlenose dolphins by close approach for photo-id, behavioral observation and biopsy sampling. Proposed takes include 1,000 individuals for photo-identification and behavioral observation annually and 250 takes of juveniles/adults by biopsy sampling over the course of the Permit. Calves would not be biopsy sampled.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 11, 2003.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 030530140-3140-01; I.D. 060903D]

### Final Guidance for the Coastal and Estuarine Land Conservation Program

**AGENCY:** National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Commerce  
**SUMMARY:** Notice is hereby given of the availability of Final Guidelines for the Coastal and Estuarine Land Conservation Program (CELCP). The Fiscal Year 2002 Appropriations Act for the Departments of Commerce, Justice and State directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program "for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses," giving priority to lands which can be effectively managed and protected and which have significant ecological value. The law further directed the Secretary to issue guidelines for this program delineating the criteria for grant awards and to distribute funds in consultation with the States' Coastal Zone Managers' or Governors' designated representatives based on demonstrated need and ability to successfully leverage funds.

These guidelines: outline a planning process for states to identify the conservation needs and priorities within each state; provide the information necessary for eligible coastal states to develop land conservation plans and nominate projects to a national competitive selection process; and delineate the criteria for grant awards.

The Final Guidance for the Coastal and Estuarine Land Conservation Program, published below, can also be found on NOAA's website at <http://www.ocrm.nos.noaa.gov/landconservation.html> or may be obtained upon request via the contact information listed below.

**FOR FURTHER INFORMATION CONTACT:** Elaine Vaudreuil, NOAA's Ocean Service, Office of Ocean and Coastal Resource Management, 1305 East-West Highway (N/ORM), Silver Spring, MD 20910; tel. 301-713-3155, extension 103; e-mail: [Elaine.Vaudreuil@noaa.gov](mailto:Elaine.Vaudreuil@noaa.gov).

**SUPPLEMENTARY INFORMATION:** (1) Program Authorities: Specific authority for this Announcement is found in 16 U.S.C. 1456d. (2) Federal Domestic

Assistance Catalog Number 11.419 Coastal Zone Management Program Administration

### Response to Comments

NOAA made the draft guidelines available for a 30-day public comment period and received 20 sets of comments. The comments ask NOAA to:

- clarify which elements of the guidelines would apply to earmarks versus competitive grants;
- be flexible throughout the grant process to account for the nature of real estate transactions and private, willing seller landowners;
- enable local governments or watershed organizations to apply directly to the national competitive process;
- make non-governmental organizations eligible to apply for grants and hold title to land;
- clarify that the definition of "acquisition" includes other conservation options, such as the purchase of conservation easements;
- clarify that all land secured through CELCP be held in public ownership and provide conservation in perpetuity;
- clarify the relevance of the term "Project Areas" and how it differs from "priority areas", and "types of land";
- include timelines or deadlines, as well as instructions for applying for funds, such as the anticipated number of grants and their amounts, in order to solicit meaningful project applications;
- clarify eligibility and the application process for planning funds;
- seek the lead agency's approval before making direct grants to other state agencies or local governments;
- lower the percentage of required non-federal match; clarify whether planning funds require non-federal match;
- clarify a waiver of match for U.S. insular areas for projects up to \$200,000, in accordance with 48 U.S.C. 1469a(d);
- exercise its discretion to waive the match for underserved communities in specific circumstances, such as areas without public access;
- clarify whether the 5 percent limit on administrative costs refers to state, Federal, or combined program administration, and address state indirect costs that are incurred for grant administration;
- extend the 2-year period for land stewardship costs to a 5-year period and limit costs to 5 percent of the total grant award;
- make land acquisition the only eligible use of funds under the CELCP, and not program administration and stewardship costs, but rather allow these costs as state match contributions;