

results to a public audience at the NEA to increase awareness of skate conservation.

Since the stocks of these species are at or near overfished biomass thresholds, and winter and little skates are subject to directed fisheries, research on bycatch mortality of these species is needed. In order to conduct this research, the principal investigators have requested an exemption from possessing and handling prohibited skate species. Additionally, an exemption from skate possession restrictions would authorize project investigators to temporarily possess fish for scientific data collection purposes prior to returning all fish to the sea.

Two vessels would each conduct 50 trips in conjunction with commercial days-at-sea (DAS) trips, with one vessel fishing with commercial otter trawl gear and the other fishing with commercial gillnets. Both vessels would use standard commercial gear. Tows would vary in time among 30, 60, and 120 minutes to account for variations in tow duration that occur under normal fishing conditions. Gillnet soak times would vary but not exceed 24 hr. Two fishing trials would be conducted. The first would occur from September through November 2008. The second would occur from March through May 2009. Research would occur in the inshore and offshore waters off of New Hampshire and southern Massachusetts. These areas support the vast majority of skate landings that can also be accessed during normal fishing operations. All fishing would occur as day trips, and no fishing would occur in closed areas or during rolling closures. Only winter, thorny, smooth and little skates would be used for scientific research purposes. Northeast multispecies would be landed and sold, up to the current DAS possession limits.

The researchers propose fishing a total of 100 sea days; 50 days fishing with gillnet gear and 50 fishing with trawl gear. In other words, each vessel would fish for 25 days during each of the 2 trials (fall and spring). The objective is to assess at least 300 specimens of each of the 4 skate species per season, for a total 1,200 specimens per season, and 2,400 specimens for the entire project. The researchers plan to stagger trials in order to both deploy and retrieve pens on a given day, thus maximizing the number of trials that can be conducted in the proposed number of sea days.

In order to identify possible influences on discard mortality, the following variables would be recorded: Deck-time, season (fall, spring), depth of fishing, air and bottom seawater

temperatures, estimated weight of catch, the total length and gender of skates, and handling techniques (e.g., picked or not picked; duration of deck exposure). When catch is hauled aboard, all skates would be tagged with spaghetti tags. Skates would either be immediately placed into a live well by one of the handling methods (without a pick or with a pick) or remain on the deck for 15 and 30 minutes before being transferred to live wells. While in the wells, specimens would be visually assessed. Any specimens that die prior to placement within a net pen would be placed on ice for subsequent necropsy.

Viable skates would be placed in experimental holding pens to be submerged and deployed to the seafloor for 72-hour trials. A total of 8 net pens would be used, with 20 to 40 skates in each pen. The modified basic shape would form a three-dimensional hexagon with each of the six rectangular sides measuring 5 ft (height) x 6 ft (length). Two PVC skeletons would be used for the bottom and top of each pen. Six vertical sections 5 feet in height would support the structure. The netting covering the pen would consist of 3 or 4-inch diamond mesh tetra twine. The base of each pen would be filled and weighted down with a heavy composite and would be affixed to the seafloor by 2 or 3 40-pound mushroom anchors to reduce the likelihood of pen rollover. Pens would be maneuvered in the water column using bridles secured to whale-safe swivels connected to a main tag line. Each pen would be marked at the surface with a highflyer and buoy.

In order to conduct control trials, UNE proposes to capture a few skates by handlines. If it proves to be unfeasible to capture enough skates by this method to make a statistically robust number of trials, vessels would conduct abbreviated trawls (e.g., 5-minute tows) to obtain minimally stressed controls.

The applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 1, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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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 Public Hearing.

**SUMMARY:** This notice provides information about a public hearing to be held by the National Oceanic and Atmospheric Administration (NOAA) in Irvine, California. The hearing involves an administrative appeal filed with the Department of Commerce by the Foothill/Eastern Transportation Corridor Agency and its board of directors (TCA). This notice also announces the reopening of the public and Federal agency comment period for the TCA Consistency Appeal, beginning July 21, 2008 and running through August 4, 2008.

**DATES:** NOAA will conduct a public hearing in the TCA Consistency Appeal on July 25, 2008. The hearing will begin at 10:30 a.m. and will continue until 8:30 p.m. Speaker registration begins at 10 a.m. on the day of the hearing.

**ADDRESSES:** The public hearing and speaker registration will be held at the University of California, Irvine, Bren Events Center, 100 Bren Events Center, Irvine, California 92697. Written comments on issues relevant to the Secretary's decision in this appeal may be submitted at the hearing. In addition, from July 21, 2008 to August 4, 2008, comments may be submitted by e-mail to [gcos.comment@noaa.gov](mailto:gcos.comment@noaa.gov) or by mail addressed to Thomas Street at the NOAA Office of the General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910.

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

**SUPPLEMENTARY INFORMATION:** 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 by the California Coastal Commission (Commission) to TCA's proposed 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 the Commission's objection if he determines that the project is consistent with the objectives or purposes of the CZMA or is 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 state's coastal management program. 15 CFR 930.121.

On March 17, 2008, NOAA published a notice in the **Federal Register** announcing, among other things, that a public hearing might be held concerning this appeal. The hearing will be held. This notice provides scheduling and procedural information about the hearing.

The hearing in this appeal will commence at 10:30 a.m. at the Bren Events Center and will continue throughout the day with afternoon and evening sessions. Intermissions are expected near noon and late in the afternoon (around 4:30 p.m.). Other recesses may be called as necessary. Speakers must register on the day of the hearing, on site, at the Bren Events Center. Registration of speakers will begin at 10 a.m. The order of the speakers will be determined by the NOAA officials administering the hearing. Speakers generally will be recognized in the order in which they register (a first-come-first-served basis), alternating between individuals from the general public and those representing organizations. Specific periods are expected to be set aside during the afternoon and evening sessions for remarks by elected officials. Depending on the number of persons wishing to speak, speakers from the general public will receive up to three

minutes to present their oral comments. Elected officials and individuals representing organizations will receive five minutes to speak. Only one individual may speak on behalf of an organization.

Written comments on issues relevant to the Secretary's decision in this appeal may be submitted to NOAA at the hearing by any person in attendance. In addition, written comments may be submitted by e-mail to [gcos.comments@noaa.gov](mailto:gcos.comments@noaa.gov) or by mail addressed to Thomas Street, NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Comments must be received by August 4, 2008.

This hearing is being held to obtain information on issues the Secretary will likely consider in deciding the TCA's appeal. A summary of relevant issues as well as additional background on the appeal appeared in the **Federal Register** notice of March 17, 2008, announcing the appeal, and may be found on the Internet at <http://www.ogc.doc.gov/czma.com.htm>. This Web site also includes additional information on the hearing, including conduct and decorum that is required, restrictions on the use of cameras and recording equipment and the display of signs and banners in the hearing room, the process by which testimony will be transcribed and made part of the record, and other rules and guidelines. (Please see the set of Frequently Asked Questions regarding the hearing.)

Questions concerning the hearing should be directed to Thomas Street, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-2967, or Stephanie Campbell, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-2967, or [gcos.inquiries@noaa.gov](mailto:gcos.inquiries@noaa.gov).

Dated: June 2, 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

#### Hydrographic Services Review Panel Meeting

**AGENCY:** National Ocean Service, National Oceanic and Atmospheric

Administration (NOAA), Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Hydrographic Services Review Panel (HSRP) was established by the Secretary of Commerce to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, its amendments, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

*Date and Time:* The public meeting will be held July 29-30, 2008, from 8 a.m. to 5 p.m. on July 29th and 8 a.m. to 12:30 p.m. on July 30th.

*Location:* San Francisco, California. Sheraton Fisherman's Wharf, 2500 Mason Street, San Francisco, CA, 94133. The times and agenda topics are subject to change. Refer to the HSRP website listed below for the most current meeting agenda.

**FOR FURTHER INFORMATION CONTACT:**

Captain Steven Barnum, NOAA, Designated Federal Official (DFO), Office of Coast Survey, National Ocean Service (NOS), NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301-713-2770, Fax: 301-713-4019; e-mail:

[Hydroservices.panel@noaa.gov](mailto:Hydroservices.panel@noaa.gov) or visit the NOAA HSRP Web site at <http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm>.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public and public comment periods will be scheduled at various times throughout the meeting. These comment periods will be part of the final agenda that will be published before the meeting date on the HSRP website listed above. Each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 30 copies) should be submitted to the DFO by July 16, 2008. Written comments received by the DFO after July 16, 2008, will be distributed to the HSRP, but may not be reviewed before the meeting date. Approximately 25 seats will be available for the public, on a first-come, first-served basis.

*Matters To Be Considered:* (1) Swearing in of new member; (2) Panel discussion with various stakeholders in the region on use of and interest in NOAA Navigation Services; (3) Updates on NOAA/California partnership on Integrated Ocean and Coastal Mapping (IOCM) project, NOAA's Height Modernization and Print on Demand; (4)