

*Lobster.April2009@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: "Comments – Lobster EFP Proposal".

**FOR FURTHER INFORMATION CONTACT:** Patience Whitten, Fishery Management Specialist, (978) 281-9349, fax (978) 281-9117.

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations that govern exempted fishing, at 50 CFR 600.745(b) and 697.22 allow the Regional Administrator to authorize for limited testing, public display, data collection, exploration, health and safety, environmental clean-up, and/or hazardous removal purposes, and the targeting or incidental harvest of managed species that would otherwise be prohibited. An EFP to authorize such activity may be issued, provided there is adequate opportunity for the public to comment on the EFP application, the conservation goals and objectives of Federal management of the American lobster resource are not compromised, and issuance of the EFP is beneficial to the management of the species.

The American lobster fishery is one of the most valuable fisheries in the northeastern United States. In 2007, approximately 75 million pounds (34,107 metric tons) of American lobster were landed with an ex-vessel value of approximately 350,000 million dollars. Operating under the Atlantic States Marine Fisheries Commission's interstate management process, American lobster are managed in state waters under Amendment 3 to the American Lobster Interstate Fishery Management Plan (Amendment 3). In Federal waters of the Exclusive Economic Zone (EEZ), lobster is managed under Federal regulations at 50 CFR part 697. Amendment 3, and compatible Federal regulations, established a framework for area management, which includes industry participation in the development of a management program which suits the needs of each lobster management area while meeting targets established in the Interstate Fisheries Management Program. The industry, through area management teams, with the support of state agencies, have played a vital role in advancing the area management program.

American lobster experience very high fishing mortality rates throughout their range, from Canada to Cape Hatteras, North Carolina. Although harvest and population abundance are near record levels due to high recent recruitment and favorable environmental conditions, there is

significant risk of a sharp drop in abundance, and such a decline would have serious implications. To facilitate the development of effective management tools, extensive monitoring and detailed data on the biology and composition of lobsters throughout the range of the resource are necessary. To facilitate effective management, this proposed EFP would monitor egg growth and development of berried lobsters in two study areas using traditional lobster trap gear.

**Proposed EFP**

The EFP proposes to continue the collection of statistical and scientific information as part of a project, originally announced in the **Federal Register** on October 21, 2004 (69 FR 19165), that is designed to monitor berried lobsters to collect data that will assist in the assessment of the lobster resource and in the development of management practices appropriate to the fishery. Previous data collected in 2007 and 2008 from tagged berried lobsters that were monitored for egg-development stages, indicated a percentage of berried females are carrying eggs that are not fertilized. This continuation of the research will focus on quantifying fertilization success, and monitor egg growth and development.

Each of the maximum of three commercial fishing vessels in possession of Federal lobster permits involved in this monitoring and data collection program would collect a maximum of ten eggs from each berried lobster harvested, up to a maximum project total of 100 berried lobsters per vessel, using traditional lobster trap gear. Removal of a maximum of ten eggs from each berried lobster should have no impact on the health or survival of the lobsters, since lobsters typically experience significantly greater rates of daily egg loss throughout their thirteen month incubation period, with cumulative egg loss as high as thirty six percent. Participating vessels would collect data from each of the two general study areas in the vicinity of the northern edge of Georges Bank and in the vicinity of Veatch and Hydrographer Canyons along the southern edge of Georges Bank. The participating vessels may retain on deck egg-bearing female lobsters, in addition to legal lobsters, for the purpose of collecting a maximum of ten eggs from each berried lobster to allow researchers to determine what percentage of eggs are fertilized, and to estimate the egg developmental stage, and time to maturity. All berried lobsters would be returned to the sea as quickly as possible after data collection. Pursuant to 50 CFR 600.745(b)(3)(v), the

Regional Administrator may attach terms and conditions to the EFP consistent with the purpose of the exempted fishing.

This project would not involve the authorization of any additional lobster trap gear. All traps fished by the participating vessels would comply with all applicable lobster regulations specified at 50 CFR part 697. To allow for the removal of a maximum of ten eggs from each berried lobster, the EFP would waive the American lobster prohibition on removal of eggs specified at 50 CFR 697.7(c)(1)(iv). All sample collections would be conducted by a maximum of three federally permitted commercial fishing vessels, during the course of regular commercial fishing operations. There would not be observers or researchers onboard every participating vessel.

This project, including the lobster handling protocols, was initially developed in consultation with University of New Hampshire scientists. To the greatest extent practicable, these handling protocols are designed to avoid unnecessary adverse environmental impact on lobsters involved in this project, while achieving the data collection objectives of this project.

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

Dated: February 17, 2009.

**Emily H. Menashes,**

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

[FR Doc. E9-3643 Filed 2-19-09; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[Docket No. 0811251527-9165-02]

**RIN 0648-ZB55**

**Availability of Grants Funds for Fiscal Year 2009; Amendment**

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

**ACTION:** Notice of funding availability; amendment.

**SUMMARY:** NOAA publishes this notice to amend the solicitation "NOAA Bay Watershed Education and Training (B-WET) Program," which was originally announced in the **Federal Register** on Tuesday, December 16, 2008. Due to technical difficulties, potential applicants may have experienced problems when attempting to submit applications for the "NOAA Bay

Watershed Education and Training (B-WET) Program,” solicitation (73 FR 76341) through Grants.gov. This notice announces that the B-WET Program will accept applications from applicants who were unsuccessful in submitting their application through Grants.gov during the original solicitation period.

**DATES:** Applicants will be required to provide documentation of the problem and appropriate paper application materials to the B-WET National Coordinator by 5:00 PM ET, February 27, 2009.

**ADDRESSES:** B-WET National Coordinator, NOAA Office of Education, 1401 Constitution Avenue NW, Room 6863, Washington, DC 20230. Please note: Because hard copies of applications submitted via the US Postal Service can take up to 4 weeks to reach this office, applicants are advised to submit their applications via expedited shipping methods (e.g., Airborne Express, DHL, FedEx, UPS, etc.).

**FOR FURTHER INFORMATION CONTACT:** Questions about this notice may be directed to Bronwen Rice, B-WET National Coordinator, by phone at 202-482-6797 or e-mail at [bronwen.rice@noaa.gov](mailto:bronwen.rice@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NOAA publishes this notice to inform the public of an amendment to the solicitation “NOAA Bay Watershed Education and Training (B-WET) Program” announced in the **Federal Register** on December 16, 2008 (73 FR 76341). Due to issues with the submission process and system-wide delays in using Grants.gov on the days prior to and including the deadline, some potential applicants for the NOAA B-WET program may have been unsuccessful in submitting their applications through the website. To ensure that all applicants have the opportunity to apply for the B-WET program, NOAA will accept paper applications to this announcement where it can be shown that the applicants attempted to submit via Grants.gov by the January 26 deadline originally published in the announcement, and who contacted a Federal Program Officer to communicate their problem. If these applicants would like to have their application considered for funding, they may submit a complete paper application package to the B-WET National Coordinator by 5:00 PM ET, February 27, 2009.

All information and requirements published in NOAA Bay Watershed Education and Training (B-WET) Program solicitation published in the **Federal Register** on December 16, 2008

apply to any applications submitted pursuant to this notice.

#### Limitation of Liability

In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if this program is 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. Applicants are hereby given notice that funding for the Fiscal Year 2009 program is contingent upon the availability of Fiscal Year 2009 appropriations.

#### Universal Identifier

Applicants should be aware they are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number during the application process. See the October 30, 2002, **Federal Register**, (67 FR 66177) for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or via the Internet at <http://www.dunandbradstreet.com>.

#### 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 website: <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 contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), as amended by the **Federal Register** notice published on: October 30, 2002 (67 FR 66109); December 30, 2004 (69 FR 78389); and 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, 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 respond to, nor shall any 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 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: February 12, 2009.

**Mitchell J. Ross,**

Director, NOAA Acquisition and Grants Office.

[FR Doc. E9-3605 Filed 2-19-09; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XN39

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Receipt of application for a scientific permit; request for comments.

**SUMMARY:** Notice is hereby given that NMFS has received a revised application for scientific research from the U.S. Fish and Wildlife Service USFWS- Red Bluff (RBFWO), in Red Bluff, CA, and USFWS-Sacramento (SFWO), in Sacramento, CA (1415). The permit would affect the federally endangered Sacramento River winter-run Chinook salmon and threatened Central Valley spring-run Chinook salmon Evolutionarily Significant Units (ESUs), the federally threatened Central Valley steelhead Distinct Population Segment (DPS), and the federally threatened southern Distinct Population of North American green sturgeon (southern DPS of green sturgeon). This document serves to notify the public of the availability of the permit application for review and comment.

**DATES:** Written comments on the permit applications must be received no later than 5 p.m. Pacific Standard Time on March 23, 2009.

**ADDRESSES:** Comments submitted by e-mail must be sent to the following address [FRNpermits.SAC@noaa.gov](mailto:FRNpermits.SAC@noaa.gov). The application and related documents are available for review by appointment, for permit 1415: Protected Resources Division, NMFS, 650 Capitol Mall, Room 8-300, Sacramento, CA 95814-4706 (ph: 916-930-3601, fax: 916-930-3629).

**FOR FURTHER INFORMATION CONTACT:** Shirley Witalis at phone number 916-

930-3601, or e-mail:

[Shirley.Witalis@noaa.gov](mailto:Shirley.Witalis@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

##### Species Covered in This Notice

This notice is relevant to federally-listed Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) ESU, threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*) ESU, threatened Central Valley steelhead (*O. mykiss*) DPS, and threatened southern DPS of North American green sturgeon (*Acipenser medirostris*).

##### Applications Received

USFWS requests a 5-year permit (1415) for take of adult and juvenile Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead; and juvenile larvae and eggs of North American green sturgeon associated with monitoring and research activities conducted in the Sacramento-San Joaquin river basins, Central Valley, CA.

RBFWO requests authorization for estimated annual take of adult and juvenile Sacramento River winter-run Chinook salmon, adult and juvenile Central Valley spring-run Chinook salmon, adult and juvenile California Valley steelhead, and the juvenile larvae and eggs of Southern DPS of North

American green sturgeon for five consecutive years, resulting from research and monitoring activities involving the capture (by trawl, seine, fyke-net trap, hook and line, electrofishing, weir trap, egg trap, rotary screw trap or by hand), handling, fin clipping, tissue sampling, coded-wire tag extraction, otolith extraction, marking/tagging, release of fish, and conducting redd and carcass surveys, in associated with following nine projects.

Project 1 is an annual survey of the fish community structure in the Battle Creek watershed (a tributary to the Sacramento River) in Shasta County, California. This project will estimate changes in fish community distribution and abundance which may affect the success of the Battle Creek Salmon and Steelhead Restoration Project or which may occur as a result of the restoration project. Research activities associated with Project 1 involves direct observation of fish, observation by snorkel surveys; seining and electrofishing.

Project 2 monitors the annual production of juvenile Chinook salmon and steelhead in Battle Creek for purposes of (1) generating production indices for all runs of Chinook salmon and steelhead for evaluation of compliance with the Anadromous Fish Restoration Program (AFRP) production targets, assessing restoration activities toward meeting AFRP production goals, and obtaining important life history, condition and behavioral information. Research activities associated with Project 2 includes the collection and holding of salmonids through rotary screw traps, mark/recapture, and the application of anesthesia.

Project 3 monitors the annual adult salmonid escapement (species, number, timing, age, size, gender, timing and location of spawning, and potential limiting factors at various life stages) in Battle Creek. Monitoring is carried out at the Coleman National Fish Hatchery barrier weir, and through redd and carcass surveys in Battle Creek, to provide information for adaptive management of the Battle Creek Salmon and Steelhead Restoration Project.

Project 4 monitors juvenile salmonids out-migration and condition as a means of assess the effectiveness of restoration activities in Clear Creek (a tributary to Sacramento River) in Shasta County, CA. Research activities associated with Project 4 involves the collection and holding of juvenile salmonids through rotary screw traps, mark/recapture, and the application of anesthesia.

Project 5 monitors fish response to restoration actions (stream channel restoration, gravel enhancement,