

endangered species, and potential project costs.

2. *Proposed Action.* The proposed action is to construct a regional wastewater pumping, conveyance, treatment, and discharge facility to serve the Towns of Apex, Cary, Holly Springs and Morrisville, as well as RTP South, North Carolina. The Towns have cooperated together to develop the proposal, and each town will be responsible for the permits for their part of the proposed project. It is anticipated there will be 4 permit requests to construct the whole project. Future request for Department of the Army authorization for other sections of the project will be submitted once the final plans have been completed.

This request for Department of the Army authorization consists of the construction of a regional wastewater system that includes the construction of influent conveyance facilities, a new water reclamation facility (WRF), and new effluent conveyance facilities in western Wake County and Chatham County, North Carolina to serve the Towns of Apex, Cary, and Morrisville and RTP South. The proposed WRF site is north of U.S. 1 and just south of Old U.S. 1 between New Hill-Holleman and Shearon Harris Roads. The WRF would be constructed in two phases to a proposed treatment capacity of 30-million gallons per day (mgd). The Town of Holly Springs Utley Creek Wastewater Treatment Plant (WWTP) has already been approved to expand to 6 MGD and will share the 38 MGD outfall to the Cape Fear River. The effluent line will leave the WRF in Wake County and enter Chatham County to the discharge point located on the Cape Fear River downstream of Buckhorn Dam in Chatham County.

As a result of the construction activities related to this permit request from Western Wake Partners, there will be temporary and permanent impacts to wetlands and streams. The total permanent impact of the proposed project is 509 of linear feet (lf) of stream (329 lf of perennial and 180 lf intermittent) and 1.8 acres of wetlands. The total temporary impact of the proposed project is 1,924 lf of stream (1,115 lf of perennial and 809 lf of intermittent) and 6.8 acres of wetlands. Most of these impacts are along the influent transmission lines.

3. *Alternatives.* An extensive alternatives analysis was performed and reviewed by the Project Delivery Team (PDT). This included the evaluation of wastewater management options; wastewater discharge options; WRF site alternatives; conveyance alternatives and wastewater outfall options. Many

alternatives were identified and evaluated through the scoping process, and further detailed description of all alternatives is disclosed in Section or Chapter 2 of the Draft EIS.

4. *Scoping Process.* A public scoping meeting was held on April 19, 2007 and a Project Delivery Team (PDT) was developed to provide input in the preparation of the EIS. The PDT was comprised of representatives from local, state, and federal government, the Western Wake Partners, Wake County, Chatham County, and the New Hill Community.

The COE coordinated closely with the North Carolina Division of Water Quality Construction Grants and Loans Section in the development of the EIS to ensure the process complies with State Environmental Policy Act (SEPA) requirements, as well as the NEPA requirements. The Draft EIS has been designed to consolidate both NEPA and SEPA processes to eliminate duplications.

Dated: March 4, 2009.

**C. Scott McLendon,**

*Assistant Chief, Wilmington Regulatory District.*

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**BILLING CODE 3720-58-P**

## DEPARTMENT OF DEFENSE

### Corps of Engineers

#### Department of the Army; Notice of Solicitation for Estuary Habitat Restoration Program

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of solicitation for project applications.

**SUMMARY:** Congress has appropriated limited funds to the U.S. Army Corps of Engineers (Corps) for implementation of the Estuary Habitat Restoration Program as authorized in Section 104 of the Estuary Restoration Act of 2000, Title I of the Estuaries and Clean Waters Act of 2000 (Pub. L. 106-457) (accessible at <http://www.usace.army.mil/CECW/ERA/pages/Default.aspx>). On behalf of the Estuary Habitat Restoration Council (Council), the Corps is soliciting proposals for estuary habitat restoration projects. This document describes project criteria and evaluation criteria the Council will use to determine which projects to recommend. Recommended projects must provide ecosystem benefits, have scientific merit, be technically feasible, and be cost-effective. Proposals selected for Estuary Habitat Restoration Program funding

may be implemented in accordance with a cost-share agreement with the Corps, a cooperative agreement with the Corps, or a cooperative agreement with one of the other agencies represented on the Council, subject to availability of funds.

**DATES:** Proposals must be received on or before May 12, 2009.

**ADDRESSES:** Ms. Ellen Cummings, Headquarters, U.S. Army Corps of Engineers, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ellen Cummings, (202) 761-4750, e-mail: [Ellen.M.Cummings@usace.army.mil](mailto:Ellen.M.Cummings@usace.army.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Under the Estuary Habitat Restoration Program, the U.S. Army Corps of Engineers (Corps), Department of the Interior (acting through the U.S. Fish and Wildlife Service), National Oceanic and Atmospheric Administration, Environmental Protection Agency, and Department of Agriculture are authorized to carry out estuary habitat restoration projects. However, the Estuary Habitat Restoration Council (Council) is responsible for soliciting, reviewing and evaluating project proposals. The agencies may only fund projects on the prioritized list provided by the Council. The Estuary Habitat Restoration Strategy prepared by the Council contains introductory information about the program and provides the context in which projects will be evaluated and the program will be conducted. The Strategy was published in the **Federal Register** (67 FR 71942) on December 3, 2002. It is also accessible at <http://www.usace.army.mil/CECW/ERA/pages/Default.aspx> in PDF format.

An emphasis will be placed on achieving cost-effective restoration of ecosystems while promoting increased partnerships among agencies and between public and private sectors. Projects funded under this program will contribute to the Estuary Habitat Restoration Strategy goal of restoring 1,000,000 acres of estuary habitat.

For purposes of this program, *estuary* is defined as "a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water from land drainage." Estuary also includes the " \* \* \* near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries \* \* \*" For this program, estuary is considered to extend from the head of tide to the boundary with the open sea

(to downstream terminus features or structures such as barrier islands, reefs, sand bars, mud flats, or headlands in close proximity to the connection with the open sea). In the Great Lakes, riparian and nearshore areas adjacent to the mouths of creek or rivers entering the Great Lakes will be considered to be estuaries. Estuary habitat includes the estuary and its associated ecosystems, such as: Salt, brackish, and fresh water coastal marshes; coastal forested wetlands and other coastal wetlands; maritime forests; coastal grasslands; tidal flats; natural shoreline areas; shellfish beds; sea grass meadows; kelp beds; river deltas; and river and stream corridors under tidal influence.

## II. Eligible Restoration Activities

Section 103 of the Estuary Restoration Act of 2000 (the Act) defines the term *estuary habitat restoration activity* to mean "an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape." Projects funded under this program will be consistent with this definition.

Eligible habitat restoration activities include re-establishment of chemical, physical, hydrologic, and biological features and components associated with an estuary. Restoration may include, but is not limited to, improvement of estuarine wetland tidal exchange or reestablishment of historic hydrology; dam or berm removal; improvement or reestablishment of fish passage; appropriate reef/substrate/habitat creation; planting of native estuarine wetland and submerged aquatic vegetation; reintroduction of native species; control of invasive species by altering conditions so they are less conducive to the invasive species; and establishment of riparian buffer zones in the estuary. Cleanup of pollution for the benefit of estuary habitat may be considered, as long as it does not meet the definition of excluded activities under the Act (*see* section III, Excluded Activities, below).

In general, proposed projects should clearly demonstrate anticipated benefits to habitats such as those habitats listed in the Introduction. Although the Council recognizes that water quality and land use issues may impact habitat restoration efforts and must be considered in project planning, the Estuary Habitat Restoration Program is intended to fund physical habitat restoration projects, not measures such as storm water detention ponds,

wastewater treatment plant upgrades or combined sewer outfall improvements.

## III. Excluded Activities

Estuary Habitat Restoration Program funds will not be used for any activity that constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law, or that constitutes restoration for natural resource damages required under any Federal or State law. Estuary Habitat Restoration Program funds will not be used for remediation of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601–9675). Additionally, Estuary Habitat Restoration Program funds will not be used to carry out projects on Federal lands or to fund educational or recreational facilities.

## IV. Project Sponsor and Cost Sharing

The Non-Federal Sponsor may be a State, a political subdivision of a State, a Tribe, or a regional or interstate agency. A non-governmental organization may serve as a Non-Federal Sponsor as determined by the Secretary of the Army (Secretary) in consultation with appropriate State and local governmental agencies and Tribes. For purposes of this act the term non-governmental organization does not include for profit enterprises. The Non-Federal Sponsor must be able to provide the real estate interests necessary for implementation, operation, maintenance, repair, rehabilitation and replacement of the project. In most cases this means the Non-Federal Sponsor must have fee title to the lands necessary for the project although in some cases an easement may be sufficient.

The Federal share of the cost of an estuary habitat restoration project shall not exceed 65 percent except that the Federal share shall be 85 percent of the incremental additional cost of pilot testing or demonstration of an innovative technology or approach having the potential for improved cost-effectiveness. Innovative technology or approach are defined as novel processes, techniques and/or materials to restore habitat, or the use of existing processes, techniques, and/or materials in a new restoration application.

Prior to initiation of a project, the Non-Federal Sponsor must enter into a written agreement with the funding agency in which the Non-Federal Sponsor agrees to provide its share of the project cost; including necessary lands, easements, rights-of-way, and

relocations and long-term maintenance. The value of the required real estate interests will be credited towards the Non-Federal Sponsor's share of the project cost. The Non-Federal Sponsor may also provide services and in-kind contributions for credit toward its share of the project cost, including cost shared monitoring. Adaptive management will be a non-Federal responsibility; it will not be cost shared. Credit for the value of in-kind contributions is subject to satisfactory compliance with applicable Federal labor laws covering non-Federal construction, including but not limited to the Davis-Bacon Act (40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (40 U.S.C. 276c). Credit may be afforded for the value of required work undertaken by volunteers, using the hourly value in common usage for grants programs but not to exceed the Federal estimate of the cost of activity. The Non-Federal Sponsor shall also have a long-term responsibility for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating these projects. The cost of these activities will not be included in the total project cost and will not count toward the Non-Federal Sponsor's minimum 35 percent share of the project cost.

Other Federal funds, *i.e.*, funds appropriated to agencies other than the agency signing the cost-share agreement, may not be used by the Non-Federal Sponsor to meet its share of the project cost unless the other Federal agency verifies in writing that expenditure of funds for such purpose is expressly authorized by statute. Otherwise, other Federal funds may be used for the proposed project if consistent with the other agency's authorities and will count as part of the Federal share of the project cost. Any non-Federal funds or contributions used as a match for these other Federal funds may be used toward the project but will not be considered in determining the non-Federal share in relation to the Federal share of the costs.

Credit will be provided only for work necessary for the specific project being funded with Estuary Habitat Restoration Program funds. For example, a non-Federal entity is engaged in the removal of ten dams, has removed six dams, and now seeks assistance for the removal of the remaining four dams as an Estuary Habitat Restoration Program project. None of the costs associated with the removal of the six dams is creditable as part of the non-Federal share of the project for removal of four dams.

The Corps will not transfer funds to the Non-Federal Sponsor unless the

project meets the conditions for implementation under a cooperative agreement. If a Corps cost-share agreement is required, the Corps will implement (construct) some portion of the proposed project and be responsible for managing construction activities not performed by the Non-Federal Sponsor as in-kind contribution. Projects funded by the other Council agencies will be implemented using a cooperative agreement. In all cases the funding agencies will use the planning, evaluation, and design products provided by the applicant to the extent possible. The Federal funding agency will be responsible for assuring compliance with Federal environmental statutes, assuring the project is designed to avoid adverse impacts on other properties and that the project can reasonably be expected to provide the desired benefits. Corps activities related to implementation of projects under this authority will be part of the Federal cost of the project, and the Non-Federal Sponsor should consider these costs in developing the project cost estimate. The Non-Federal Sponsor should coordinate with the appropriate Corps district office during preparation of the proposal to obtain an estimate of the funds required and other available information which may improve the proposal. Information on district locations and boundaries may be found at <http://www.usace.army.mil/about/Pages/Locations.aspx>. If additional assistance is required please contact Ms. Cummings (see **FOR FURTHER INFORMATION CONTACT** section).

#### V. Funding Availability

Limited funds have been appropriated for implementation of projects under the Estuary Habitat Restoration Program. The Council will not accept proposals that indicate an estimated Federal cost of less than \$100,000 or more than \$1,500,000. There is no guarantee that sufficient funds will be available to fund all eligible proposals. The number of proposals funded as a result of this notice will depend on the number of eligible proposals received, the estimated amount of funds required for each selected project, and the merit and ranking of the proposals. The exact amount of the Federal and non-Federal cost share for each selected project will be specified in the written agreement discussed in Project Sponsor and Cost Sharing, Section IV above. Projects selected for funding must be capable of producing the ecosystem benefits described in the proposal in the absence of Federal funding beyond that established in the cost-share or cooperative agreement.

#### VI. Proposal Review Process

Proposals will be screened as discussed in section VII. A. below to determine eligibility. The staff of the agencies represented on the Council will conduct a technical review of the eligible proposals in accordance with the criteria described in section VII. B. below. Agency scientists involved in estuarine research or the development and application of innovative methods for restoring estuary habitats will also review proposals that indicate the use of innovative technologies or approaches. Each agency will score and rank the proposals; the staff of the five agencies will use these rankings as the basis for a consolidated recommendation. The staff will also recommend which agency should fund a project if agencies other than the Corps have funds for this program. The Council will consider the staff recommendation, the items discussed in sections VII. C. and D. below, and possibly other factors when preparing its prioritized list of recommended projects for the Secretary's use.

#### VII. Proposal Review Criteria

This section describes the criteria that will be used to review and select projects to be recommended to the Secretary for funding under the Act. It will benefit applicants to ensure that project proposals clearly address the criteria set forth under the following four subsections: Initial Screening of Project Proposals; Evaluation of Project Proposals; Priority Elements; and Other Factors.

##### A. Initial Screening of Project Proposals

Proposals will be screened according to the requirements listed in sections 104(b) and 104(c)(2) of the Act as described below. Proposed projects must not include excluded activities as discussed in Section III above. Additionally, the letter of assurance must indicate that the primary property owner and the party responsible for long-term maintenance have reviewed and support the proposal. Proposals that do not meet all of these initial screening criteria will not be evaluated further. To be accepted the proposal must:

- (1) Originate from a Non-Federal Sponsor (section 104(b));
- (2) address restoration needs identified in an estuary habitat restoration plan (section 104 (c)(2)(A)). The Act defines "estuary habitat restoration plan" as any Federal, State, or regional plan for restoration of degraded estuary habitat that was developed with substantial participation of the public. (section 103(6));

(3) be consistent with the Estuary Habitat Restoration Strategy (section 104(c)(2)(B)) by:

- (a) Including eligible restoration activities that provide ecosystem benefits;
- (b) addressing estuary habitat trends (including historic losses) in the project region, and indicating how these were considered in developing the project proposal;
- (c) involving a partnership approach, and
- (d) clearly describing the benefits expected to be realized by the proposed project;

(4) include a monitoring plan that is consistent with standards developed by NOAA under section 104 (c)(2)(C). The standards are available at: [http://www.usace.army.mil/CECW/ERA/Pages/monitor\\_db.aspx](http://www.usace.army.mil/CECW/ERA/Pages/monitor_db.aspx) and [http://era.noaa.gov/htmls/era/era\\_monitoring.html](http://era.noaa.gov/htmls/era/era_monitoring.html), or from the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. Minimum monitoring requirements include monitoring over a period of five years post-construction and tracking of at least one structural and one functional element. Examples of structural and functional elements are contained in the monitoring document cited above, and;

(5) include satisfactory assurances that the Non-Federal Sponsor has adequate authority and resources to carry out items of local cooperation and properly maintain the project (section 104 (c)(2)(D)).

##### B. Evaluation of Project Proposals

Proposals that meet the initial screening criteria in A. above will be eligible for further review using the criteria listed below. The following criteria are listed in order of relative importance with the most important criteria first. The first four criteria are critical. If the reviewers find that a response to any of the first four criteria is completely inadequate, the proposal will be rejected. For each of the listed criteria the focus will be on the factors mentioned below but other factors may also be considered.

##### (1) Ecosystem Benefits

Proposals will be evaluated based on the extent of proposed habitat restoration activities and the type(s) of habitat(s) that will be restored. Following are specific factors that reviewers will consider as part of this criterion:

- (a) Prevention or reversal of estuary habitat loss or degradation in the project area and the nature and extent of the proposed project's potential

contribution to the long-term conservation of estuary habitat function,

(b) benefits for Federally listed endangered or threatened species, species proposed for Federal listing, recently delisted species or designated or proposed critical habitat in the project area,

(c) extent to which the project will provide, restore, or improve habitat important for estuary-dependent fish and/or migratory birds (*e.g.* breeding, spawning, nursery, foraging, or staging habitat),

(d) prevention or reduction of nonpoint source pollution or other contaminants to estuary habitats or restoration of estuary habitats that are already contaminated, and

(e) benefits to nearby existing habitat areas, or contribution to the creation of wildlife/ecological corridors connecting existing habitat areas.

Examples of activities that would not qualify would be restoration of an oyster bed open to commercial harvest or a fish hatchery. Educational facilities such as classrooms, botanical gardens, or recreational facilities such as trails or boat ramps would also not qualify for cost sharing under this program although they may be included in the project if they do not conflict with the environmental benefits expected from project implementation.

#### (2) Cost-Effectiveness

Reviewers will evaluate the relationship between estimated project costs, including the costs of remaining planning, design, construction, required lands, and annual operation, maintenance, repair, rehabilitation and replacement, and monitoring cost, to the monetary and non-monetary benefits described in the proposal. Clear quantitative and qualitative descriptions of the proposed outputs will facilitate this evaluation. Examples of units of measure include: Acres restored, flood damage reduction levels, changes in water quality parameters, increases in the productivity of various species, and presence and absence of certain species. The estimated persistence of the proposed project outputs through time will be considered. For example, will the area be maintained as a wetland, or allowed to erode or become upland? Or is there a possibility the project will be impaired within the next fifty years from rising sea levels? Will the proposed project produce additional benefits due to synergy between the proposed project and other ongoing or proposed projects? Reviewers will consider if the proposed project is a cost-effective way to achieve the proposed benefits. In some instances the

costs and benefits of proposed projects may be compared to the costs and benefits of other similar projects in the area. The significance of the proposed outputs is also a factor to be considered as part of cost-effectiveness. The significance of restoration outputs should be recognized in terms of institutional (such as laws, adopted plans, or policy statements), public (such as support for the project), or technical (such as if it addresses scarcity, increases limiting habitat, or improves or increases biodiversity) importance.

#### (3) Technical Feasibility

Reviewers will evaluate the extent to which, given current and projected environmental conditions of the restoration site—*e.g.*, soils, flood regime, presence of invasive species, surrounding land use—the proposed project is likely to be successfully implemented. Consideration will also be given to:

(a) Potential success of restoration techniques, based on a history of successful implementation in field or pilot projects,

(b) implementation schedule,

(c) expected length of time before success can be demonstrated,

(d) proposed corrective actions using monitoring information,

(e) project management plans, and

(f) experience and qualifications of project personnel.

#### (4) Scientific Merit

Reviewers will evaluate the extent to which the project design is based on sound ecological principles and is likely to meet project goals. This may be indicated by the following factors:

(a) Goals of the project are reasonable considering the existing and former habitat types present at the site and other local influences,

(b) the proposed restoration methodology demonstrates an understanding of habitat function, and

(c) specific methods proposed (if successfully implemented—see criteria on technical feasibility) have a good chance of meeting project goals and achieving long-term sustainability.

#### (5) Agency Coordination

Reviewers will evaluate the degree to which the project will encourage increased coordination and cooperation among Federal, State, and local government agencies. Some of the indicators used to evaluate coordination are:

(a) The State, Federal, and local agencies involved in developing the project and their expected roles in implementation,

(b) the nature of agency coordination, *e.g.*, joint funding, periodic multi-agency review of the project, collaboration on adaptive management decisions, joint monitoring, opportunities for future collaboration, etc., and

(c) whether a formal agreement, such as a Memorandum of Understanding (MOU), exists between/among agencies as part of the project.

#### (6) Public/Private Partnerships

One of the focuses of the Act is the encouragement of new public/private partnerships. Reviewers will evaluate the degree to which the project will foster public/private partnerships and uses Federal resources to encourage increased private sector involvement. Indicators of the success at meeting this criterion follow. How will the project promote collaboration or create partnerships among public and private entities, including potential for future new or expanded public/private partnerships? What mechanisms are being used to establish the partnership, *e.g.*, joint funding, shared monitoring, joint decision-making on adaptive management strategies? Is there a formal agreement, such as a Memorandum of Understanding, between/among the partners as part of the project? Also important is the extent to which the project creates an opportunity for long-term partnerships among public and private entities.

#### (7) Level of Contribution

Reviewers will consider the level and type (cash or in-kind) of Non-Federal Sponsor's contribution. Providing more than the minimum 35-percent share will be rated favorably. It must be clear how much of the total project cost the Estuary Habitat Restoration Program is expected to provide, how much is coming from other Federal sources, how much is coming directly from the sponsor, and how much is available or expected to be provided by other sources (either cash or in-kind). Preference may be given to projects with the majority of the funding confirmed.

#### (8) Monitoring Plan

Reviewers will consider the following factors in evaluating the quality of the monitoring plan:

(a) Linkage between the monitoring methods and the project goals, including success criteria,

(b) how results will be evaluated (statistical comparison to baseline or reference condition, trend analysis, or other quantitative or qualitative approach),

(c) how baseline conditions will be established for the parameters to be measured,

(d) if applicable, the use and selection of reference sites, where they are located, how they were chosen, and whether they represent target conditions for the habitat or conditions at the site without restoration,

(e) the appropriateness of the nature, frequency, and timing of measurements and which areas will be sampled,

(f) provisions for adaptive management, and data reporting, and  
(g) whether the length of the proposed monitoring plan is appropriate for the project goals. The minimum required monitoring period is five years post construction.

#### (9) Multiple Benefits

In addition to the ecosystem benefits discussed in criterion (1) above, restored estuary habitats may provide additional benefits. Among those the reviewers will consider are: flood damage reduction, protection from storm surge, water quality and/or quantity for human uses, recreational opportunities, and benefits to commercial fisheries.

#### (10) Supports Regional Restoration Goals

Reviewers will evaluate the extent to which the proposed project contributes to meeting and/or strengthening the needs, goals, objectives and restoration priorities contained in regional restoration plans, and the means that will be used to measure such progress.

#### (11) Part of a Federal or State Plan

If the proposed project is part of a Federal (examples of Federal plans are listed in section 103(6)(B) of the Act) or State plan, reviewers will consider the extent to which the project would contribute to meeting and/or strengthening the plan's needs, goals, objectives and restoration priorities, and the means that will be used to measure such progress.

#### C. Priority Elements

Section 104(c)(4) of the Act directs the Secretary to give priority consideration to a project that merits selection based on the above criteria if it:

(1) Occurs within a watershed where there is a program being implemented that addresses sources of pollution and other activities that otherwise would adversely affect the restored habitat; or

(2) includes pilot testing or demonstration of an innovative technology or approach having the potential to achieve better restoration results than other technologies in current practice, or comparable results

at lower cost in terms of energy, economics, or environmental impacts.

The Council will also consider these priority elements in ranking proposals.

#### D. Other Factors

In addition to considering the composite ratings developed in the evaluation process and the priority elements listed in C. above, the Council will consider other factors when preparing its prioritized list for the Secretary's use. These factors include (but may not be limited to) the following:

(1) Readiness of the project for implementation. Among the factors to be considered when evaluating readiness are the steps that must be taken prior to project implementation, for example is the project a concept, a detailed plan, or completed design; potential delays to project implementation; and the status of real estate acquisition. Proposed projects that have completed more of the pre-construction activities will generally receive more favorable consideration.

(2) Balance between large and small projects, to the extent possible given the program funding constraints.

(3) Geographic distribution of the projects.

#### VIII. Project Selection and Notification

The Secretary will select projects for funding from the Council's prioritized list of recommended projects after considering the criteria contained in section 104(c) of the Act, availability of funds and any reasonable additional factors. It is expected that the Secretary will select proposals for implementation approximately 100 days after the close of this solicitation or 30 days after receiving the list from the Council, whichever is later. The Secretary will also recommend the lead Federal agency for each project to be funded. The Non-Federal Sponsor of each proposal will be notified of its status at the conclusion of the selection process. Staff from the appropriate Federal agency will work with the Non-Federal Sponsor of each selected project to develop the cost-sharing agreements and schedules for project implementation.

#### IX. Project Application Form Clarifications

Most of the entries are relatively self-explanatory, however, based on experience some clarifying comments are provided to facilitate completion of the form.

A. Project name should be short but unique and descriptive.

B. Non-Federal Sponsor's Point(s) of Contact. One of the individual(s) listed

should be the person that can answer project specific questions and will be the day-to-day contact for the project. This may be a different individual than the individual signing the Non-Federal Sponsor's certification. That individual should have the legal authority to make the required commitments.

C. Item 8. Funding and Partners. Post-construction costs for adaptive management and long-term project maintenance do not count as a cost share for projects funded under the Estuary Restoration Act and should not be included in the estimated total project cost. In the budget table, list the share of the project cost being sought from the Estuary Habitat Restoration Program as ERA funds. Funds from other Federal programs such as NOAA's Community Based Restoration Program should be listed by agency and program. Also note whether the value of the contribution from non-Federal sources are cash or in-kind.

D. If submitting a proposal electronically, a hard copy of the Letter of Assurance and Certification may be submitted if it is post-marked by the closing date for this announcement and the electronic submission has the text of the Letter of Assurance and Certification with an indication of the date signed and name/title/organization of the individual signing these documents. The Letter of Assurance should be addressed to "Chairman, Estuary Habitat Restoration Council" and sent to the address in Section X for hard copy submittals.

E. In the project description section of the project application form the phrase "Estimated life cycle of the project" refers to the functional life of the project and might include discussion of phases such as x years to maturity, y years at peak performance and z years in a declining state. As an example a wetland may fill with sediment over time and its functionality diminish. The "life-cycle" would be the number of years until the project no longer provides the original benefits.

G. The proposed project should only be described as innovative if the Non-Federal Sponsor is requesting the special cost sharing for the incremental costs of including testing of or a demonstration of an innovative technology or approach as defined in the application form.

#### X. Application Process

Proposal application forms are available at <http://www.usace.army.mil/CECW/ERA/Pages/pps.aspx> or by contacting Ms. Ellen Cummings (see ADDRESSES and FOR FURTHER INFORMATION CONTACT sections). Project

proposals may be submitted electronically, by mail, or by courier. Electronic submissions are preferred. The application form has been approved by OMB in compliance with the Paperwork Reduction Act and is OMB No. 0710-0014 with an expiration date of November 30, 2011. Electronic submissions are encouraged and should be sent to [estuary.restoration@usace.army.mil](mailto:estuary.restoration@usace.army.mil). Multiple e-mail messages may be required to ensure successful receipt if the files exceed 5MB in size. Questions may also be sent to the same e-mail address. Hard copy submissions may be sent or delivered to HQUSACE, ATTN: CECW-PB, 7701 Telegraph Road #3D72, Alexandria, VA 22315-3860. The part of the nomination prepared to address the "proposal elements" portion of the application should be no more than twelve double-spaced pages, using a 10- or 12-point font. Paper copies should be printed on 8.5 in. x 11 in. paper and may be double sided but must not be bound as multiple copies will be necessary for review. Only one hard copy is required. A PC-compatible CD-ROM in either Microsoft Word or WordPerfect format may accompany the paper copy. Nominations for multiple projects submitted by the same applicant must be submitted in separate e-mail messages and/or envelopes.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF ENERGY

### Agency Information Collection Extension

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Comments regarding this proposed information collection must be received on or before May 12, 2009. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

**ADDRESSES:** Written comments should be sent to all of the following:  
*Information\_Collection@hq.doe.gov.*

Denise Clarke, Procurement Analyst,  
MA-612/L'Enfant Plaza Building,  
U.S. Department of Energy, 1000  
Independence Avenue, SW.,  
Washington, DC, 20585-1615,  
[deniset.clarke@hq.doe.gov](mailto:deniset.clarke@hq.doe.gov)

Ever Crutchfield, Business Analyst, IM-  
23/Germantown Building, U.S.  
Department of Energy 1000  
Independence Avenue, SW.,  
Washington, DC 20585-1290,  
[ever.crutchfield@hq.doe.gov](mailto:ever.crutchfield@hq.doe.gov).

**FOR FURTHER INFORMATION CONTACT:**  
Requests for additional information or copies of the information collection instrument and instructions should be directed to Denise Clarke at the above address, or by telephone at (202) 287-1748.

**SUPPLEMENTARY INFORMATION:** This information collection request contains: (1) OMB No. 1910-0400; (2) Information Collection Request Title: DOE Financial Assistance Information Clearance; (3) Type of Review: Continuation of Mandatory Information Collection under Paperwork Reduction Act; (4) Purpose: This information collection package covers collections of information necessary to annually plan, solicit, negotiate, award and administer grants and cooperative agreements under the Department's financial assistance programs. The information is used by Departmental management to exercise management oversight with respect to implementation of applicable statutory and regulatory requirements and obligations. The collection of this information is critical to ensure that the government has sufficient information to judge the degree to which awardees meet the terms of their agreements; that public funds are spent in the manner intended; and that fraud, waste, and abuse are immediately detected and eliminated; (5) Respondents: 24,241; and (6) *Estimated Number of Burden Hours:* 239,458.

**Statutory Authority:** Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

Issued in Washington, DC on March 6, 2009.

**Edward R. Simpson,**

*Director, Office of Procurement and Assistance Management, Department of Energy.*

[FR Doc. E9-5462 Filed 3-12-09; 8:45 am]

BILLING CODE 6450-01-P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

March 5, 2009.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG09-33-000.

*Applicants:* Windy Flats Partners, LLC.

*Description:* Notice of Self Certification of Exempt Wholesale Generator Status of Windy Flats Partners, LLC.

*Filed Date:* 03/02/2009.

*Accession Number:* 20090302-5075.

*Comment Date:* 5 p.m. Eastern Time on Monday, March 23, 2009.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER00-3039-002.

*Applicants:* Exeter Energy Limited Partnership.

*Description:* Request for Category 1 Seller Status Classification Pursuant to Order 697 and 697-A; Exeter Energy Limited Partnership.

*Filed Date:* 03/04/2009.

*Accession Number:* 20090304-5141.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, March 25, 2009.

*Docket Numbers:* ER03-114-005; ER04-183-004.

*Applicants:* Great Bay Power Marketing, Inc.; Great Bay Hydro Corporation.

*Description:* Updated version of Great Bay Power Marketing's Application for qualification as Category I Seller.

*Filed Date:* 02/24/2009.

*Accession Number:* 20090224-5100.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, March 17, 2009.

*Docket Numbers:* ER06-864-012; ER00-2885-019; ER01-2765-018; ER02-1582-016; ER02-2102-018; ER03-1283-013; ER05-1232-011; ER06-1543-009; ER07-1112-003; ER07-1113-003; ER07-1115-003; ER07-1116-003; ER07-1117-003;