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#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 through 4327) and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR parts 1500 through 1508) require that an environmental analysis be completed for all major Federal actions significantly affecting the environment. NEPA applies only to the actions of Federal agencies. While those Federal actions may include a Federal agency's decision to fund non-Federal projects under grants and cooperative agreements, NEPA requires agencies to assess the environmental impacts of actions proposed to be taken by these recipients only when the Federal agency has sufficient discretion or control over the recipient's activities to deem those actions as Federal actions. To determine whether the activities of the recipient of a Federal financial assistance award (*i.e.*, grant or cooperative agreement) involve sufficient Federal discretion or control, and to undertake the appropriate environmental analysis when NEPA is required, NOAA must assess information which can only be provided by the Federal financial assistance applicant. Thus, NOAA has developed an environmental information questionnaire to provide grantees and Federal grant managers with a simple tool to ensure that project and environmental information is obtained. The questionnaire applies only to those programs where actions are considered major Federal actions or to those where NOAA must determine if the action is a major Federal action. The questionnaire includes a list of questions that encompasses a broad range of subject areas. The applicants are not required to answer every question in the questionnaire. Each program draws from the comprehensive list of questions to create a relevant subset of questions for applicants to answer. The information provided in answers to the questionnaire is used by NOAA staff to determine compliance requirements for NEPA and conduct subsequent NEPA analysis as needed. The information provided in the questionnaire may also be used for other regulatory review requirements associated with the proposed project, such as permitting.

##### II. Method of Collection

Methods of submittal include paper forms via the mail, Internet, and facsimile transmission.

##### III. Data

OMB Control Number: 0648-0538.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for profit organizations; individuals or households; not-for-profit institutions; state, local, or tribal government; and Federal government.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 3,000.

Estimated Total Annual Cost to Public: \$1,000 in miscellaneous costs.

##### IV. Request for Comments

Comments are invited on: (a) Whether the proposed 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 (including hours and cost) of the proposed collection of information; (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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 22, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

RIN 0648-XM69

##### Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program

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

ACTION: Notice; availability of permits.

SUMMARY: NMFS is soliciting applications for American Samoa

pelagic longline limited entry permits. At least 22 permits of various class sizes will be available for 2009. Longline fishermen with the earliest documented participation on a Class A vessel (less than or equal to 40 feet (12.2 m) in length) have the highest priority to qualify for a permit. Fishermen with the earliest documented participation in larger size class vessels (in order of size) receive the next priority to qualify for permits. This notice is intended to announce the availability of permits and to solicit applications for the permits.

DATES: Completed permit applications must be received by NMFS by May 28, 2009.

ADDRESSES: Request blank application forms from NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4733, or the PIR website [www.fpir.noaa.gov](http://www.fpir.noaa.gov).

Mail completed applications and payment to NMFS PIR, ATTN: ASLE Permits, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4733.

##### FOR FURTHER INFORMATION CONTACT:

Walter Ikehara, Sustainable Fisheries, NMFS PIR, tel 808-944-2275, fax 808-973-2940, or e-mail [PIRO-permits@noaa.gov](mailto:PIRO-permits@noaa.gov).

SUPPLEMENTARY INFORMATION: On May 25, 2005, NMFS published a final rule that established a limited entry program for the pelagic longline fishery based in American Samoa (70 FR 29646).

American Samoa longline limited entry permits were established for four vessel size classes, based on length:

- a. Class A – less than or equal to 40 ft (12.2 m);
- b. Class B (and B-1) – over 40 ft (12.2 m) to 50 ft (15.2 m) inclusive;
- c. Class C (and C-1) – over 50 ft (15.2 m) to 70 ft (21.3 m) inclusive; and
- d. Class D (and D-1) – over 70 ft (21.3 m).

A total of 60 initial American Samoa longline limited entry permits were issued: 22 in Class A, five in Class B, 12 in Class C, and 21 in Class D. These numbers represent the maximum number of vessels allowed in each size class, pursuant to the regulations implementing the limited entry program at title 50 of the Code of Federal Regulations, part 665.36 (*i.e.*, 50 CFR 665.36). The limited entry program allows for new permits to be issued if the numbers of permits in each size class fall below the maximum. To date, not all permit holders have renewed their permits, invalidating those permits, and making 22 permits available for issuance (note that the number of available permits may change before the application period closes). Of the 22 available permits, thirteen are for

vessel size Class A, four for Class B, four for Class C, and one for Class D.

Persons with the earliest documented participation in the fishery on a Class A sized vessel will receive the highest priority for obtaining permits in any size class, followed by persons with the earliest documented participation in Classes B, C, and D, in that order. If there is a tie in priority, the person with the second earliest documented participation will be ranked higher in priority.

Complete applications must include the completed and signed application form, legible copies of documents supporting historical participation in the American Samoa pelagic longline fishery, and payment for the non-refundable permit application processing fee, in accordance with the regulations at 50 CFR 665.13. Applications must be received by NMFS (see **ADDRESSES**) by May 28, 2009 to be considered for a permit; applications will not be accepted if received after that date.

Authoritative additional information on the American Samoa limited entry program may be found in 50 CFR part 665.

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

Dated: January 22, 2009.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XM50**

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Comprehensive Annual Catch Limit Amendment**

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

**ACTION:** Notice of intent (NOI) to prepare a draft environmental impact statement (DEIS); notice of scoping meetings; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) intends to prepare a DEIS to assess the impacts on the natural and human environment of the management measures proposed in its draft Comprehensive Annual Catch Limit Amendment

(Comprehensive ACL Amendment) for the South Atlantic Region.

**DATES:** Written comments on the scope of the issues to be addressed in the DEIS will be accepted until February 27, 2009, at 5 p.m.

**ADDRESSES:** Comments may be sent by any of the following methods, mail: Kate Michie, NMFS, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701; phone: 727-824-5305; fax: 727-824-5308; e-mail: [0648-XM50@noaa.gov](mailto:0648-XM50@noaa.gov). Scoping documents are available from the Council's Web site at [www.safmc.net](http://www.safmc.net).

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, South Atlantic Fisheries Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: 843-571-4366, toll free 1-866-SAFMC-10; fax: 843-769-4520; e-mail: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** Revisions to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 2007 require that by 2010, fishery management plans (FMPs), for fisheries determined by the Secretary of Commerce to be subject to overfishing, must establish a mechanism for specifying annual catch limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the Council's Scientific and Statistical Committee or other established peer review processes. These FMPs are also required to establish, by 2010, accountability measures for fisheries subject to overfishing. ACLs and accountability measures for species undergoing overfishing in the FMP for the Snapper-Grouper Fishery of the South Atlantic Region are being addressed in Amendment 17 to that FMP.

The Magnuson-Stevens Act also requires the Council to establish, by 2011, ACLs and accountability measures for all other fisheries, except fisheries for species with annual life cycles. ACL specifications intended to fulfill this 2011 requirement would be included in the subject Comprehensive ACL Amendment.

In addition to ACLs and accountability measures, the Magnuson-Stevens Act requires that the Council's Scientific and Statistical Committee specify overfishing levels and acceptable biological catch (ABC) levels for all species undergoing overfishing. The Comprehensive ACL Amendment may specify an ABC control rule that would describe how the ABC is to be calculated.

The Council is also considering an action to remove some species from South Atlantic fishery management units (FMU) for respective FMPs, particularly those species that have a low occurrence in federal waters. The purpose of this action would be to ensure that fishery managers focus their attention and resources on species that are in need of conservation and management. Additionally, the Council is considering designating some species as Ecosystem Component species that are not part of a fishery but are in an FMP. Species may be included as Ecosystem Components in FMPs for data collection purposes; for ecosystem considerations related to optimum yield; and as considerations in the development of conservation and management measures for the associated fishery.

The amendment may also limit total mortality of federally managed species in the South Atlantic to the annual catch targets (ACTs). To achieve this goal, the amendment may include measures such as commercial quotas, trip limits, vessel limits, size limits, bag limits, closed areas, closed seasons, and permit endorsements. Additionally, the Comprehensive ACL Amendment may address several issues concerning the spiny lobster fishery such as, trap impacts on staghorn and elkhorn corals, tailing permits, and the Federal 50-short rule that allows retention of undersized spiny lobster to be used as live attractants.

This NOI is intended to inform the public of the preparation of a DEIS in support of the Comprehensive ACL Amendment. The DEIS may include: ACLs; ACTs; ecosystem component species; removing some species from South Atlantic FMUs; ABC control rule; and accountability measures; allocations among the commercial, recreational, and for-hire sectors for species not undergoing overfishing; limit total mortality for federally managed species to the ACTs; and address spiny lobster fishery issues. Following publication of this NOI, the Council will conduct public scoping meetings to determine the range of issues to be addressed in the DEIS and the associated Comprehensive ACL Amendment.

Following consideration of public scoping comments, the Council plans to begin preparation of the draft Comprehensive ACL Amendment/DEIS. The Council and its Scientific and Statistical Committee will review the draft Comprehensive ACL Amendment/DEIS in 2009. If the Council approves the document, public review may take place in late 2009. A comment period on the DEIS is planned, which will