

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 031207D]

Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery

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

ACTION: Notice of guideline harvest level.

SUMMARY: NMFS provides notice of the guideline harvest levels (GHL) for the guided sport halibut fishery (charter fishery) in the International Pacific Halibut Commission (IPHC) regulatory areas 2C and 3A. The GHLs provide a benchmark harvest level for participants in the charter fishery. This notice is necessary to meet the management and regulatory requirements for the GHLs and to inform the public about the 2007 GHLs for the charter fishery.

DATES: The GHLs are effective beginning 1200 h, Alaska local time (A.l.t.), February 1, 2007, and will close at 2400 h, A.l.t., December 31, 2007. This period is specified by the IPHC as the sport fishing season in all waters of Alaska.

FOR FURTHER INFORMATION CONTACT: Jason Gasper, 907-586-7228, or email at jason.gasper@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS implemented a final rule to establish GHLs in IPHC regulatory areas 2C and 3A for the harvest of Pacific halibut (*Hippoglosses stenolepis*) by the charter fishery on August 8, 2003 (68 FR 47256). The GHLs are intended to serve as a benchmark harvest level for participants in the charter fishery.

This announcement is consistent with 50 CFR 300.65(c)(2), which requires that GHLs for IPHC regulatory areas 2C and 3A be specified by NMFS and announced by publication in the **Federal Register** no later than 30 days after receiving information from the IPHC. The IPHC annually establishes the constant exploitation yield (CEY) for halibut in IPHC regulatory areas 2C and 3A. Regulations at § 300.65(c)(1) establish the GHLs based on the CEY that is established annually by the IPHC. The CEY established by the IPHC for 2007 in Areas 2C and 3A result in GHLs of 1,432,000 lb (649.5 t), and 3,650,000 lb (1,655.6 t), respectively.

This notice does not require any regulatory action by NMFS and is intended to serve as a notice of the GHLs in Areas 2C and 3A for 2007. If

a GHL is exceeded in 2007, NMFS will notify the North Pacific Fishery Management Council (Council) in writing within 30 days of receipt of that information. The Council is not required to take action, but may recommend additional management measures after receiving notification that a GHL has been exceeded.

Classification

This notice does not require any additional regulatory action by NMFS and does not impose any additional restrictions on harvests by the charter fishery.

If a GHL is exceeded in any year, the Council would be notified, but would not be required to take action. This process of notification is intended to provide the Council with information about the level of Pacific halibut harvest by the charter fishery in a given year and could prompt future action.

Authority: 16 U.S.C. 773 *et seq.*

Dated: March 12, 2007.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 030107E]

Fisheries off West Coast States and in the Western Pacific; Overfishing Determination of Petrale Sole

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

ACTION: Notification of determination of overfishing.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that overfishing is occurring in fisheries for petrale sole. NMFS notified the Pacific Regional Fishery Management Council (Pacific Council) of its determination by letter. The Pacific Council is required to take action within 1 year following NMFS notification that overfishing is occurring or a stock is approaching overfishing, a stock is overfished or approaching an overfished condition, or existing remedial action taken to end overfishing or rebuild an overfished stock has not resulted in adequate progress.

FOR FURTHER INFORMATION CONTACT: Debra Lambert, telephone: (301) 713-2341.

SUPPLEMENTARY INFORMATION: Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS sends written notification to fishery management councils when overfishing is occurring or a stock is approaching overfishing; a stock is overfished or approaching an overfished condition, or existing action taken to end previously identified overfishing or rebuilding a previously identified overfished stock or stock complex has not resulted in adequate progress. On February 13, 2007, the NMFS Northwest Regional Administrator sent a letter, notifying the Pacific Council that petrale sole was subject to overfishing in 2005. The estimated catch of petrale sole in 2005 was 2,766 mt, 0.14 percent above the 2005 petrale sole Acceptable Biological Catch (ABC) of 2,762 mt.

A copy of the notification letter sent to the Pacific Council for the aforementioned determination is available at <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>.

Within 1 year of a notification under Magnuson-Stevens Act sections 304(e)(2) or (e)(7), the respective Council must take remedial action in response to the notification, to end overfishing if overfishing is occurring; rebuild an overfished stock or stock complex to the abundance that can produce maximum sustainable yield within an appropriate time frame; prevent overfishing from occurring if a stock is approaching overfishing; and/or prevent a stock from becoming overfished if it is approaching an overfished condition (see implementing regulations at 50 CFR 600.310(e)(3)). Such action must be submitted to NMFS within 1 year of notification and may be in the form of a new fishery management plan (FMP), an FMP amendment, or proposed regulations. However, preliminary estimates from 2006 indicate that the 2006 petrale catch was below that species' ABC. This lower catch was likely due to the Pacific Council having introduced winter trip limits for petrale sole via inseason recommendations from its November 2005 meeting (70 FR 72385, December 5, 2005). The 2007-2008 groundfish trip limits, established through notice and comment rulemaking, also include limits for petrale sole that were designed to keep catch within the appropriate level (71 FR 78638,

December 29, 2006). Thus, NMFS believes that the Council has taken the necessary steps under Magnuson-Stevens Act section 304(e)(3)(A) to end overfishing on petrale sole.

Dated: March 12, 2007.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 030602141-7056-49; I.D. 030607G]

Availability of Grant Funds for Fiscal Year 2007

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

ACTION: Notice; reopening of competition solicitation.

SUMMARY: The National Oceanic and Atmospheric Administration, National Marine Fisheries Service publishes this notice to reopen the competitive solicitation for the Chesapeake Bay Cooperative Science Program which was originally published in the **Federal Register** on December 27, 2006. The solicitation period was reopened to provide the public more time to submit proposals.

DATES: The new deadline for the receipt of proposals is 5 p.m. Eastern Time on March 26, 2007 for both electronic and paper applications.

ADDRESSES: The address for submitting Proposals electronically is: <http://www.grants.gov/>. (Electronic submission is strongly encouraged). Paper submissions should be sent to the NOAA Chesapeake Bay Office, 410 Severn Avenue, Suite 107, Annapolis, MD 21403.

FOR FURTHER INFORMATION CONTACT:

Derek Orner, 410-267-5676, derek.ornor@noaa.gov; or Peter Bergstrom, 410-267-5665, peter.bergstrom@noaa.gov.

SUPPLEMENTARY INFORMATION: This program was originally solicited in the **Federal Register** on December 27, 2006 (71 FR 77726), as part of the December, 2006 NOAA Omnibus

solicitation. The original deadline for receipt of proposals was 5 p.m., EST, on March 12, 2007. NOAA reopens the solicitation period to provide the public more time to submit proposals as severe

weather conditions adversely affected the ability of potential applicants to submit applications. All applications that are submitted between March 12, 2007, and March 19, 2007 will be considered timely. All other requirements published in the December 27, 2006 solicitation notice are applicable and remain the same.

Limitation of Liability

Funding for programs listed in this notice is contingent upon the availability of Fiscal Year 2007 funds. In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are 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.

Universal Identifier

Applicants should be aware that 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**, Vol. 67, No. 210, pp. 66177-66178, 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 (<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, and the Council on Environmental Quality implementation regulations, 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 December 30, 2004 (69 FR 78389), 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