

mammal is sighted within the impact zone, the monitor will require the contractor to delay in-water or out-of-water construction activities until the monitor determines that no marine mammals are present within the impact zone.

### Monitoring

In addition to monitoring and recording behavioral responses within the 50-ft (15.2-m) pinniped impact zone, the preliminary 500-ft (152-m) pinniped impact zone, and the buffer and safety zones, NMFS is requiring the Monterey County DPW to monitor the impact of Bridge replacement construction activities on harbor seals (and California sea lions, if present) at the Old Salinas River haul-out site. In addition to specific monitoring tasks mentioned herein, all biological monitor(s) will record general construction activity (including all equipment being used), location, duration, and standardized noise levels for the construction equipment.

Monitoring will be divided into the in-water and out-of-water construction periods. Monitoring will be conducted every day during in-water construction activities and for an 8-hour period once a week during out-of-water activities, by at least one trained, NMFS-approved, biological monitor. The following data will be recorded: (1) Number of seals and sea lions on site; (2) date; (3) time; (4) tidal height; (5) number of adults, subadults, and pups; (6) number of females and males; (7) number of molting seals; and (8) details of any observed disturbances. The monitor(s) will conduct baseline observations of pinniped behavior at the Old Salinas River haul-out site, once a day for a period of 5 consecutive days immediately before the initiation of construction in the area to establish pre-construction behavioral patterns. In addition, NMFS requires that, immediately following the completion of the construction of the Bridge, the monitor(s) will conduct observations of pinniped behavior at the Old Salinas River haul out, for at least 5 consecutive days for approximately 1 tidal cycle (high tide to high tide) each day.

### Reporting

NMFS will be notified in writing within 10 working days of any changes to the impact, buffer and safety zones due to completion and analysis of the SPL measurements.

The Monterey County DPW will provide weekly reports to the Southwest Regional Administrator (Regional Administrator), NMFS, including a summary of the previous week's

monitoring activities and an estimate of the number of pinnipeds that may have been disturbed as a result of Bridge replacement construction activities. These reports will provide dates, time, tidal height, maximum number of harbor seals ashore, number of adults, sub-adults and pups, number of females/males, and any observed disturbances. The Monterey County DPW will also provide a description of construction activities at the time of observation and any SPL measurements made at the haulout site. The Monterey County DPW must submit draft final reports to NMFS within 90 days of completion of the 2005 in-water work phase and the 2005/2006 out-of-water work phase. The draft interim reports are considered final reports unless NMFS requests modifications to those reports within 90 days of receipt. The Monterey County DPW will also provide NMFS with a follow-up report on the post-construction monitoring activities within 18 months of project completion in order to evaluate whether haulout patterns are similar to the pre-Bridge replacement haul-out patterns at the Old Salinas River site.

### Endangered Species Act (ESA)

NMFS has determined that this action will have no effect on species listed under the ESA that are under the jurisdiction of NMFS. On April 12, 2000, the U.S. Fish and Wildlife Service (USFWS) concurred with the determination of the FHWA that the proposed Bridge project was not likely to adversely affect the federally endangered goby (*Eucyclogobius newberryi*), the brown pelican (*Pelecanus occidentalis*) and southern sea otter (*Enhydra lutris nereis*). However, issuance of an IHA to the Monterey County DPW also constitutes an agency action subject to section 7 of the ESA. As the effects of the Bridge activities on listed species were analyzed earlier, and as the action has not changed from that considered in that informal consultation, the discussion of effects that is contained in the April 12, 2000 concurrence letter from the USFWS to the FHWA pertains also to this action. In conclusion, NMFS has determined that issuance of an IHA does not lead to any effects to listed species apart from those that were considered in the consultation on FHWA's action.

### National Environmental Policy Act (NEPA)

NMFS has prepared an Environmental Assessment (EA) on this action and has made a Finding of No Significant Impact (FONSI). Therefore, preparation of an

environmental impact statement on this action is not required. A copy of the EA and FONSI are available upon request (see ADDRESSES).

### Conclusions

NMFS has determined that the Bridge replacement, as described in this document, should result, at worst, in the temporary modification in behavior of small numbers of harbor seals and, possibly, of small numbers of California sea lions. While behavioral modifications, including temporarily vacating the haulout, may be made by these species to avoid the resultant visual and acoustic disturbance, this action is expected to have a negligible impact on the affected species and stocks of pinnipeds. In addition, no take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of the mitigation measures described in this document.

### Authorization

For the reasons previously discussed, NMFS has issued an IHA for a 1-year period, for the incidental harassment of small numbers of harbor seals and California sea lions incidental to Bridge replacement construction, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: December 27, 2004.

### Donna Wieting,

Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.

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## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 7, 2005.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or

waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 28, 2004.

**Jeanne Van Vlandren,**

*Director, Regulatory Information Management Services, Office of the Chief Information Officer.*

#### **Institute of Education Sciences**

*Type of Review:* New.

*Title:* Evaluation of the Impact of Literacy Interventions in Freshman Academies—Baseline Intake and Administrative Records Forms.

*Frequency:* Annually; one time.

*Affected Public:*

Individuals or household; not-for-profit institutions.

*Reporting and Recordkeeping Hour Burden:*

Responses: 9,600.

Burden Hours: 6,259.

*Abstract:* The current OMB package requests clearance for the baseline intake and administrative records instruments to be used in the Evaluation of the Impact of Literacy Interventions in Freshman Academies. The baseline intake instrument will collect information from parents of children

applying for admission to the literacy intervention included in the study. The administrative records instruments will be used to collect information on student outcomes such as test scores and will be completed by school or district staff in these schools as well as by control group students who attend the same schools. The study will examine the impacts of these literacy interventions on student outcomes over a one year follow-up period.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2660. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to (202) 245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her e-mail address [Kathy.Axt@ed.gov](mailto:Kathy.Axt@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 29, 2004.

**Jeanne Van Vlandren,**

*Director, Regulatory Information Management Services, Office of the Chief Information Officer.*

#### **Office of Postsecondary Education**

*Type of Review:* New.

*Title:* Individual Student Performance Report for the Jacob K. Javits Fellowship Program.

*Frequency:* Annually.

*Affected Public:* Individuals or household.

*Reporting and Recordkeeping Hour Burden:*

Responses: 190.

Burden Hours: 570.

*Abstract:* This information collection provides the U.S. Department of Education with information needed to determine if fellows have made substantial progress toward meeting the Program's objectives and allows Program staff to monitor and evaluate time-to-degree completion. The Congress has mandated (through the Government Performance Results Act of 1993) that the U.S. Department of