

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Federal Consistency Appeal by the Bureau of Indian Affairs and the Big Lagoon Rancheria From an Objection by the California Coastal Commission**

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

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

**SUMMARY:** This announcement provides notice that the Bureau of Indian Affairs (BIA) and the Big Lagoon Rancheria (Tribe) have jointly filed an administrative appeal with the Department of Commerce asking that the Secretary override the California Coastal Commission's (Commission) objection to BIA's proposed acquisition of approximately 5 acres of land in Humboldt County, California, into trust status for the Tribe. The land is currently owned in fee by the Tribe and is located in the Big Lagoon area, approximately a quarter mile from the current boundary of the Big Lagoon Rancheria trust property, at the southwest intersection of Highway 101 and Big Lagoon Park Road, south of Big Lagoon, Humboldt County, California. The legal description of the land is parcel APN 517-281-004 in Lot 4 as shown on Tract No. 420, on file in the Office of the Humboldt County Recorder in Book 21 of Maps, pages 18 and 19.

**DATES:** Public and Federal agency comments on the appeal are due within 30 days of the publication of this Notice.

**ADDRESSES:** Comments should be sent to Odin Smith, Attorney-Advisor, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Materials from the appeal record will be available at the NOAA Office of the General Counsel for Ocean Services.

**FOR FURTHER INFORMATION CONTACT:** Odin Smith, Attorney-Advisor, NOAA Office of the General Counsel, 301-713-7392.

**SUPPLEMENTARY INFORMATION:****I. Notice of Appeal**

BIA and the Tribe have jointly filed a notice of appeal with the Secretary of Commerce pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR part 930, subpart H. BIA and the Tribe appeal an objection, filed by the Commission, to a consistency determination prepared by

BIA related to the proposed acquisition by BIA of approximately 5 acres of land in Humboldt County, California, into trust status for the Tribe for future planned tribal housing development.

The Appellants request that the Secretary override the State's objection on grounds that the project is consistent with the objectives or purposes of the CZMA. To make the determination that the proposed activity is "consistent with the objectives or purposes" of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of California's coastal management program. 15 CFR 930.121 (2005), *as amended*, 71 FR 787, 831 (Jan. 5, 2006).

**II. Public and Federal Agency Comments**

Written comments are invited on any of the issues the Secretary must consider in deciding this appeal. Comments must be received within 30 days of the publication of this notice, and may be submitted to Odin Smith, Attorney-Advisor, NOAA Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Comments will be made available to Appellants and the State.

**III. Appeal Documents**

NOAA intends to provide the public with access to all materials and related documents comprising the appeal record during business hours, at the NOAA Office of the General Counsel for Ocean Services.

For additional information about this appeal contact Odin Smith, 301-713-7392.

Dated: February 15, 2007.

**Joel La Bissonniere,**

*Assistant General Counsel for Ocean Services.*

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

[I.D. 013007A]

**Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel**

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

**ACTION:** Notice of public meeting and a scoping meeting.

**SUMMARY:** NMFS will hold a three-day Highly Migratory Species (HMS) Advisory Panel (AP) meeting in March 2007. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. A scoping meeting will also be held during the AP meeting to consider options for updating HMS essential fish habitat (EFH). Both meetings are open to the public.

**DATES:** The AP meeting will be held from 1 p.m. to 5 p.m. on Tuesday, March 13, 2007, from 8 a.m. to 5 p.m. on Wednesday, March 14, 2007, and from 8 a.m. to 5 p.m. on Thursday, March 15, 2007. The EFH scoping meeting will be held during the AP meeting.

**ADDRESSES:** The meeting will be held at the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910; phone: 1-301-589-0800.

**FOR FURTHER INFORMATION CONTACT:** Carol Douglas or Chris Rilling at 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104-297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) for HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks. The AP has previously consulted with NMFS on: the HMS FMP (April 1999), Amendment 1 to the HMS FMP (December 2003), Amendment 1 to the Billfish FMP (April 1999), and the Consolidated Atlantic HMS FMP (February and October 2006). The March 2007 AP meeting will focus on conservation and management options

for Atlantic tunas, swordfish, billfish, and sharks.

NMFS published a notice of intent to prepare an environmental impact statement and potentially amend HMS EFH regulations on November 7, 2006 (71 FR 65087). NMFS will hold a scoping meeting during the March 13–15 AP meeting to discuss options for updating EFH.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carol Douglas at (301) 713–2347, at least 7 days prior to the meeting.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 13, 2007.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E7–2892 Filed 2–20–07; 8:45 am]

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## DEPARTMENT OF EDUCATION

### Office of Elementary and Secondary Education; Overview Information; Early Childhood Educator Professional Development (ECEPD) Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.349A.

*Dates:*

*Applications Available:* February 20, 2007.

*Deadline for Transmittal of Applications:* April 20, 2007.

*Deadline for Intergovernmental Review:* June 19, 2007.

*Eligible Applicants:* A partnership that has not previously received an ECEPD grant and that consists of at least one entity from each of the following categories:

(i) One or more institutions of higher education (IHEs), or other public or private entities (including faith-based organizations), that provide professional development for early childhood educators who work with children from low-income families in high-need communities.

(ii) One or more public agencies (including local educational agencies (LEAs), State educational agencies (SEAs), State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations (including faith-based organizations).

(iii) If feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse. This entity may be one of the partners described in paragraphs (i) and (ii) under *Eligible Applicants*.

A partnership may apply for these funds only if one of the partners currently provides professional development for early childhood educators working in programs located in high-need communities with children from low-income families.

*Estimated Available Funds:* The Administration has requested \$14,549,000 for the ECEPD program for FY 2007, of which we anticipate \$14,330,765 would be available for these grants. For FY 2007, approximately 1 percent of the ECEPD appropriation would be set aside to administer the grant award competition, and 0.5 percent would be set aside for evaluation activities authorized under section 9601 (Evaluations) of the ESEA as amended by NCLB, 20 U.S.C. 7941(a). The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

*Estimated Range of Awards:* \$2,400,000–\$4,800,000.

*Estimated Average Size of Awards:* \$3,600,000.

*Estimated Number of Awards:* 3–6 awards.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 36 months.

### Full Text of Announcement

#### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the ECEPD program is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

Projects funded under the ECEPD program provide high-quality, sustained, and intensive professional development for these early childhood educators in how to provide developmentally appropriate school-readiness services for preschool-age children that are based on the best available research on early childhood

pedagogy and on child development and learning. For these grants, the Department is increasing the emphasis on the quality of program evaluations.

The specific activities for which recipients may use grant funds are identified in the application package.

#### *Priorities:*

This competition includes one absolute priority, and, within that priority, one competitive preference priority and three invitational priorities as follows.

In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 2151(e)(5)(A) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6651(e)(5)(A).

*Absolute Priority:* For FY 2007 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

#### *High-Need Communities.*

The applicant partnership, if awarded a grant, shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in *high-need communities*.

An eligible applicant must demonstrate in its application how it meets the statutory requirement in section 2151(e)(5)(A) of the ESEA by including relevant demographic and socioeconomic data about the *high-need community* in which each program is located, as indicated in the application package. (See section 2151(e)(3)(B)(i) of the ESEA.)

*High-need community*, as defined in section 2151(e)(9)(B) of the ESEA, means—

(a) A political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

(b) A political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

**Note:** The following additional terms used in or related to this absolute priority have statutory definitions that are included in the application package: *Early childhood educator* and *low-income family*.

#### *Competitive Preference Priority:*

Within this absolute priority, we give competitive preference to applications that address the following priority.

This priority is from the notice of final priority for Scientifically Based Evaluation Methods, published in the **Federal Register** on January 25, 2005 (70 FR 3586), available at: <http://>