

the Department 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 the applicable coastal management program. 15 CFR 930.121.

## II. Opportunity for Federal Agency and Public Comment and Public Hearing

Pursuant to NOAA regulations, 15 CFR 930.128, the public and interested Federal Agencies may submit any comment on this appeal from January 12 to February 11, 2009. All comments should be directed in writing to the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, SSMC4, Room 6111, Silver Spring, Maryland 20910, or via e-mail to [gc.os.inquiries@noaa.gov](mailto:gc.os.inquiries@noaa.gov).

Federal regulations also allow for a public hearing of this appeal, on the initiative of the Secretary of Commerce or upon written request. A request for public hearing must be filed with the Department within 30 days of the date of publication of this notice in the **Federal Register**. Such requests should be directed, in writing, to the following address: Jamon Bollock, Attorney-Advisor, NOAA Office of General Counsel, 1305 East-West Highway, SSMC4, Room 6111, Silver Spring, Maryland 20910.

## III. Availability of Appeal Documents

NOAA intends to provide the public with access to all publicly available materials and related documents comprising the appeal record during business hours at the NOAA Office of General Counsel for Ocean Services and on the following Web site: <http://www.ogc.doc.gov/czma.htm>.

For additional information about this appeal, please contact Jamon Bollock, Attorney-Advisor, NOAA Office of General Counsel, at (301) 713-7393 or [gc.os.inquiries@noaa.gov](mailto:gc.os.inquiries@noaa.gov).

Dated: October 14, 2008.

**Joel La Bissonniere,**

*Assistant General Counsel for Ocean Services,*  
NOAA.

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BILLING CODE 3510-08-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN: 0648-XL31

### Mid-Atlantic Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (MAFMC) Dogfish Monitoring Committee will hold a public meeting.

**DATES:** The meeting will be held on Friday, October 31, 2008, from 1 p.m. to 3 p.m.

**ADDRESSES:** The meeting will be held via conference call originating from the MAFMC office. The address for the MAFMC office is provided below. For those who cannot attend a call-in option is available. The call-in number is 1-866-422-9305. After dialing in, participants will be prompted to enter a "participant code". That code is: 863 783 105 4. Members of the public are invited to listen in, however, the function of the meeting will be a technical review of scientific information. As such, the extent to which public remarks will be allowed will be limited by the moderator.

*Council address:* Mid-Atlantic Fishery Management Council, 300 S. New Street, Room 2115, Dover, DE 19904; telephone: (302) 674-2331.

**FOR FURTHER INFORMATION CONTACT:**

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Room 2115, Dover, DE 19904; telephone: (302) 674-2331, extension 19.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to review the ASMFC Technical Committee's recommendations for annual catch limits and accountability measures regarding specifying quotas and management measures for the upcoming 2009 fishing year for spiny dogfish. Management measures that will be discussed may include, but not necessarily be limited to, quotas and daily landings limits. Multiple-year management measures for fishing years 2010 and 2011 may also be addressed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those

issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Dated: October 14, 2008.

**Tracey L. Thompson,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN: 0648-XL32

### New England Fishery Management Council; Public Meeting

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

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

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee in November, 2008 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Monday, November 3, 2008 at 9:30 a.m.

**ADDRESSES:** This meeting will be held at the Hilton Garden Inn, One Thurber Street, Warwick, RI 02886; telephone: (401) 734-9600; fax: (401) 734-9700

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The committee will review analyses prepared for Council response to Section 7 Endangered Species Act Consultation for the Scallop Fishery Management Plan (Biological Opinion) and discuss potential management measures to comply with findings of biological opinion that would be developed in Framework Adjustment 21. The committee will also review measures already under consideration