

Fisheries Service (NMFS) must determine that (1) such exceptions were applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in Section 2 of the ESA.

The currently approved application and reporting requirements are being revised to apply only to Pacific salmon and steelhead, as requirements regarding other species are being addressed in a separate information collection. Clarification of some of the instructions will also be provided, based on previous applicants' responses and submitted applications and reports.

## II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include e-mail of electronic forms, and mail and facsimile transmission of paper forms.

## III. Data

*OMB Control Number:* 0648-0402.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Non-profit institutions; State, local, or tribal government; business or other for-profit organizations.

*Estimated Number of Respondents:* 131.

*Estimated Time per Response:* Permit applications, 20 hours; permit modification requests and final reports, 10 hours; and annual reports, 5 hours.

*Estimated Total Annual Burden Hours:* 865.

*Estimated Total Annual Cost to Public:* \$18,646.

## 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: October 6, 2008.

### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8-24028 Filed 10-16-08; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XJ61

#### Atlantic Striped Bass Conservation Act; Atlantic Coastal Fisheries Cooperative Management Act; Magnuson-Stevens Fishery Conservation and Management Act; Executive Order 13449; Protection of Striped Bass and Red Drum Populations

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

**ACTION:** Notice of agency finding.

**SUMMARY:** This notice announces that NMFS has determined that the regulatory requirements of Executive Order (E.O.) 13449, "Protection of Striped Bass and Red Drum Fish Populations" are fulfilled. The E.O. authorized the Secretary of Commerce to revise regulations as appropriate, to include the prohibition of sale of striped bass and red drum caught within the U.S. exclusive economic zone (EEZ) of the Atlantic Ocean and the Gulf of Mexico. Upon review of existing regulations, NMFS has determined that current prohibitions on the possession and sale of striped bass and red drum caught in the EEZ achieve the intent of the E.O., thus no further action is warranted at this time.

**ADDRESSES:** Questions regarding this notice may be directed to: Alan Risenhoover, Director, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910. Mark the outside envelope, "Red Drum and Striped Bass." Copies of the E.O. are available online at: [http://www.nmfs.noaa.gov/sfa/state\\_federal/regulatory\\_activities.htm](http://www.nmfs.noaa.gov/sfa/state_federal/regulatory_activities.htm).

**FOR FURTHER INFORMATION CONTACT:** Alan Risenhoover, 301-713-2334.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 20, 2007, the President signed E.O. 13449, which states it is the policy of the United States to conserve striped bass and red drum for the recreational, economic, and

environmental benefit, based on sound science and in cooperation with State, territorial, local, and tribal governments. The E.O. contains a provision calling on the Secretary of Commerce to revise current regulations, as appropriate, to include a prohibition of sale of striped bass and red drum caught within the EEZ of the Atlantic and Gulf of Mexico. Striped bass and red drum are managed under the authorities of Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the provisions of the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) and the Atlantic Striped Bass Conservation Act (Striped Bass Act). At present, striped bass regulations at 50 CFR 697.7(b) already prohibit anyone from fishing for, harvesting, or possessing Atlantic striped bass in the EEZ, with the exception for possession of Atlantic striped bass near Block Island Sound, RI, and Montauk Point, NY (§ 697.7(b)(3)). Similarly, red drum regulations at 50 CFR 622.32(b)(2)(iii) (for red drum in the Gulf of Mexico), and § 697.7(f) (for red drum in the Atlantic Ocean, regulations which were formerly located at § 622.32(b)(3) and § 622.32(b)(4)(iii)) also prohibit harvest and possession of red drum from the EEZ. In addition to these species specific prohibitions, the general prohibitions at 50 CFR 600.725(a) state that it is unlawful to offer for sale or sell any fish taken or retained in violation of the Magnuson-Stevens Act or any other statute administered by NOAA.

NMFS published a final rule on October 6, 2008 (73 FR 58059) repealing the Atlantic Coast Red Drum Fishery Management Plan and transferring management authority of Atlantic red drum in the EEZ from the South Atlantic Fishery Management Council, under the Magnuson-Stevens Act to the Atlantic States Marine Fisheries Commission, under the Atlantic Coastal Act. Under this final rule, the current prohibitions remain in effect in a different section of the Code of Federal Regulations. Thus, this notice does not impact the final rule, nor are findings of this notice changed as a result of the final rule.

#### Findings

NMFS has determined that the current prohibitions on the possession of striped bass and red drum caught in the EEZ, in concert with the prohibition on sale of fish taken in violation of statutes administered by NOAA, constitutes fulfillment of the requirements of E.O. 13449.

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

Dated: October 10, 2008.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator For  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. E8-24795 Filed 10-16-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan

**AGENCY:** Coral Reef Conservation Program, NOAA, Department of Commerce.

**ACTION:** Notice of Availability; request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) publishes this notice to announce the availability of the Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan for public comment. The Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan identifies objectives, priorities and approaches that will guide NOAA's research, management, and international activities from Fiscal Year 2009 through 2013 as they relate to deep coral and sponge ecosystems.

**DATES:** Comments on this draft must be received no later than 5 p.m., Eastern Standard Time, January 15, 2009.

**ADDRESSES:** The Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan will be available at the following location: <http://www.coralreef.noaa.gov/Library/Publications/deepcstratplan.pdf>.

The public is encouraged to submit comments on the Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan electronically to:

*deepseacoral.strategicplan.gov*. For commenters who do not have access to a computer, comments on the document may be submitted in writing to: NOAA National Marine Fisheries Service, c/o Karen Palmigiano, NOAA's Deep-Sea Coral Program, 1315 East-West Highway, Room 15828, Silver Spring, Maryland 20910.

**FOR FURTHER INFORMATION CONTACT:** Karen Palmigiano by mail at NOAA National Marine Fisheries Service, c/o Karen Palmigiano, NOAA's Deep-Sea Coral Program, 1315 East-West Highway, Room 15828, Silver Spring, Maryland 20910 or phone at 301-713-

3459 or e-mail at [karen.palmigiano@noaa.gov](mailto:karen.palmigiano@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The National Oceanic and Atmospheric Administration (NOAA) announces that the Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan is available for public review and comment. All interested parties are encouraged to provide comments. The Draft NOAA Deep-Sea Coral and Sponge Management and Strategic Plan is being issued for comment only and is not intended for interim use. Suggested changes will be considered for incorporation into the final version, where appropriate.

The Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan identifies objectives, priorities, and approaches that will guide NOAA's research, management, and international activities from Fiscal Year 2009 through Fiscal Year 2013 as they relate to deep coral and sponge ecosystems. It is intended to integrate research and conservation needs and to be a flexible, evolving document that allows NOAA and its partners to address our growing understanding of management challenges and allow new issues and priorities to be addressed as appropriate. NOAA is soliciting review and comment from the public and all interested parties on the Draft Deep-Sea Coral and Sponge Research and Management Strategic Plan.

The Draft NOAA Deep-Sea Coral and Sponge Research and Management Strategic Plan is presented in three sections: (I) Exploration and Research; (II) Conservation and Management; and (III) International Cooperation.

Section I identifies the role of research in management, including NOAA's priorities and objectives for research and exploration of deep-sea coral and sponge ecosystems and anticipated deliverables for each objective. Section II provides objectives and approaches that NOAA will undertake to enhance protection of deep-sea coral and sponge communities working with the Councils, other Federal agencies and interested partners. NOAA's strategy for managing deep-sea coral and sponge ecosystems is centered on the authority provided to NOAA through the Magnuson-Stevens Fisheries Conservation and Management Act as amended January 12, 2007, and the National Marine Sanctuary Act. Section III describes NOAA's participation in international activities to protect and/or conserve deep-sea coral and sponge ecosystems.

NOAA welcomes all comments on the content of the Draft NOAA Deep-Sea

Coral and Sponge Research and Management Strategic Plan. We also request commenters to acknowledge areas where more language may be needed and to provide specific language for those areas.

Using the format guidance described below will facilitate the processing of reviewer comments and assure that all comments are appropriately considered; however, all comments received will be considered. Please format your comments into the following three sections: (1) Background information about yourself (optional); (2) overview or general comments; and (3) specific comments. Section one may include the following background information about yourself on the first page of your comments: Your name(s), organization(s), area(s) of expertise, and contact information such as mailing address, telephone and fax numbers, and e-mail address(s). Section two should consist of overview comments, and each should be numbered. Section three should consist of comments that are specific to particular pages, paragraphs, or lines in the document, and each comment should identify the page and line numbers to which it applies. Please number and print identifying information at the top of all pages.

Public comments may be submitted from October 17, 2008, through January 15, 2009.

Dated: October 2, 2008.

**David Kennedy,**

*Director, Ocean and Coastal Resource Management.*

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**BILLING CODE 3510-22-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XL14

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice of decision and availability for permit 13537.

**SUMMARY:** This notice advises the public that a scientific research permit has been issued to the Washington Department of Fish and Wildlife, pursuant of the Endangered Species Act of 1973 (ESA), and that the decision documents are available upon request.