

estimated cost of a change or series of related changes exceed \$100,000, the contracting officer may require the contractor to maintain separate accounts for each change or series of related changes. The account shall record all incurred segregable, direct costs (less allocable credits) of work, both changed and unchanged, allocable to the change. These accounts are to be maintained until the parties agree to an equitable adjustment for the changes or until the matter is conclusively disposed of under the disputes clause. This requirement is necessary in order to be able to account properly for costs associated with changes in supply and research and development contracts that are technically complex and incur numerous changes.

B. Annual Reporting Burden

Respondents: 8,750.
Responses Per Respondent: 18.
Annual Responses: 157,500.
Hours Per Response: .084.
Total Burden Hours: 13,230.

C. Annual Recordkeeping Burden

Recordkeepers: 8,750.
Hours Per Recordkeeper: 1.5.
Total Recordkeeping Burden Hours: 13,125.
Total Burden Hours: 26,355.

Obtaining Copies of Proposals

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0026, Change Order Accounting, in all correspondence.

Dated: November 26, 2002.

Jeremy F. Olson,

Acting Director, Acquisition Policy Division.
[FR Doc. 02-30549 Filed 12-2-02; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Applications Concerning Automated Inhalation Toxicology Exposure Systems

AGENCY: Department of the Army, DoD.
ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209 and 37 CFR part 404 announcement is made of the availability for licensing of the U.S. Patent Applications concerning "Automated Inhalation

Toxicology Exposure Systems" list under **SUPPLEMENTARY INFORMATION**. The inventions listed have been assigned to the United States Government as represented by the Secretary of the Army, Washington, DC.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, Attn: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

SUPPLEMENTARY INFORMATION:

1. *U.S. Patent Application No.:* 09/919,741. Foreign rights are also available (PCT/US01/27077).

Title: Automated Inhalation Toxicology Exposure System.

Filing Date: July 31, 2001.

Description: A method of exposing an animal to an inhalant; acquiring near real time measurement of at least respiration during said exposing; and calculating a received dose of the inhalant in response to the near real time measurement of the at least respiration during said exposing. The method further includes to automatically controlling an environment of an inhalant chamber; automatically controlling a concentration of an inhalant in the inhalant chamber, and displaying near real time measurement data related to an animal in an inhalant chamber.

2. *U.S. Patent Application No.:* 10/166,228, which is a continuation-in-part of U.S. Patent Application 09/919,741, above.

Title: Inhalant System.

Filing Date: May 29, 2002.

Description: The present application relates, in general, to multi-animal inhalation exposure systems.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02-30568 Filed 12-2-02; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Application Concerning Hybrid Inhalation System for Precious Materials

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Provisional Patent No. 60/396,698 entitled "Hybrid Inhalation System for Precious Materials," filed July 17, 2002. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, Attn: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

SUPPLEMENTARY INFORMATION: The invention is a method and associated system for generating a cycle of dynamic and static test atmospheres designed to be used for aerosol characterization or exposing animals to all materials potentially aerosolized but especially limited production materials such as new chemical entities or biologics.

This method will greatly reduce the cost and time required for evaluation of precious materials under testing. The method includes complete computer automated control of aerosol generation, characterization, and exposure duration and can be utilized with a variety of commercially-available aerosol generators, sampling devices, and material types.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02-30569 Filed 12-2-02; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Final Estuary Habitat Restoration Strategy Prepared by the Estuary Habitat Restoration Council

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The Corps of Engineers on behalf of the interagency Estuary Habitat Restoration Council is publishing the final "Estuary Habitat Restoration Strategy." The comments received on the draft published on May 3, 2002,

were reviewed and changes have been made to clarify the intent of the Council and correct errors.

FOR FURTHER ASSISTANCE CONTACT: Ms. Ellen Cummings, Headquarters, U.S. Army Corps of Engineers, Washington, DC 20314-1000, (202) 761-4558; or Ms. Cynthia Garman-Squier, Office of the Assistant Secretary of the Army (Civil Works), Washington, DC, (703) 695-6791.

SUPPLEMENTARY INFORMATION: The Estuary Restoration Act of 2000, title I of Pub. L. 106-457 has four purposes: (1) Promotion of estuary habitat restoration; (2) Development of a national strategy for creating and maintaining effective estuary habitat restoration partnerships; (3) Provision of Federal assistance for estuary habitat restoration projects; and (4) Development and enhancement of monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and innovative technologies. The Estuary Habitat Restoration Council, consisting of representatives from Department of the Army, National Oceanic and Atmospheric Administration, the Environmental Protection Agency, United States Fish and Wildlife Service, and the Department of Agriculture, was established to oversee implementation of the Act.

The Council is charged with developing an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits and foster coordination of Federal and non-Federal activities. The goal of the strategy is restoration of 1,000,000 acres of estuary habitat by the year 2010. Elements of the strategy are discussed in section 106(d) of the Act. The intent of this notice is to publish the strategy prepared by the Estuary Habitat Restoration Council in accordance with these requirements.

The Council received comments on the draft strategy published in May from 26 parties including five Federal and six State agencies, 11 non-governmental groups, one corporation, two intergovernmental bodies and one individual. Responses to the questions published with the draft Strategy were thought provoking and varied. There was no strong consensus among the commenters in support of major changes to the draft strategy. However, a new section was added to recognize the importance of innovative technology and the role of the National Estuarine Research Reserve System. Commenters were divided regarding the merits of local vs. national awards and the

definition of small vs. large projects. There were several requests for the inclusion of additional examples to those in the draft. In some instances additional examples have been added but the Council did not intend for the strategy to be an inclusive list of all possibly relevant activities or documents. Many commenters suggested clarifying language that has generally been incorporated or resulted in related modifications of the text. A number of commenters took issue with aspects of the strategy, including definitions and requirements such as including the Great Lakes, that are dictated by the Act and therefore cannot be changed. Several commenters desired more information about the process that will be used to implement the program for estuary habitat restoration. The Council still believes that this level of programmatic detail is inappropriate for inclusion in the strategy. This material will be released in the future using various means. Some of the changes by section are highlighted below.

a. **Introduction.** The term “unimpaired connection” in the definition of “estuary” has been clarified to indicate that this is in reference to “natural” convergence patterns between fresh and salt-water sources. In response to comments from practitioners in the Great Lakes area, the areas to be considered as “estuary” under this Act are described as “riparian and nearshore areas adjacent to the drowned mouths of streams.” A sentence has been added to clarify that the strategy supports restoration of degraded estuary habitat or creation of estuary habitat, including activities in estuaries and associated ecosystems.

b. **Trends of Estuary Habitats.** The Council acknowledges that when using trends data it is important to understand the rationale underlying the data presented, as it may not be accurate to make local assumptions based on data acquired for a national study. The discussion of the use of trends data in proposals has been modified to clarify that existing information should be used. While there was support for using a classification system based on Cowardin *et al.*, the Council acknowledges that there may be times when regional clarifying refinements should be recognized.

c. **Estuary Management or Habitat Restoration Plans.** Language has been added to clarify that the Federal plans listed in the Act are not the only Federal plans that will be considered as meeting the Act’s definition of “estuary habitat restoration plan.” A reference to protection of estuary habitat was deleted

to reduce confusion regarding the scope of activities considered under the Act.

d. **Ecosystem Level Approach.** In response to comments, a definition for “self-sustaining” has been added. The importance of addressing causes of degradation is noted and the potential synergy of locating restoration projects adjacent to protected areas is acknowledged.

e. **Partnerships.** An acknowledgement of the variety of possible partnership models has been added. In response to comments requesting that lists of funding sources be included in the strategy, a citation has been added for one example of existing lists.

f. **Habitat Restoration Program.** Most of the changes were designed to improve clarity in the discussion of the project selection criteria included in the Act and the scope of the cost covered in the definition of a “small” project. Recognition of the possible synergy of combining estuarine habitat restoration activities with otherwise “excluded activities” has been included.

g. **Innovative Technology.** This section was added to acknowledge the role of the National Estuarine Research Reserve System.

h. **Ensuring Success.** The need to consult with existing broad-scale monitoring programs when developing a long-term monitoring program to detect large-scale changes has been added.

Estuary Habitat Restoration Strategy

Introduction

This Estuary Habitat Restoration Strategy (Strategy) has been developed in accordance with the requirements of the Estuary Restoration Act of 2000, title I of Pub. L. 106-457 (the Act). The purpose of the Strategy is to ensure a comprehensive approach to maximize benefits derived from estuarine habitat restoration projects, provide incentives for the creation of new partnerships between the public and private sectors, and foster coordination of Federal and non-Federal activities related to restoration of estuarine habitat. The Act also provides Federal assistance, promotes efficient financing of technically sound and cost-effective estuarine habitat restoration projects, and encourages the use of innovative technologies.

Congress enacted the Estuary Restoration Act to establish a collaborative process for addressing the pressures facing our Nation’s estuaries. As part of the Act, an inter-agency Estuary Habitat Restoration Council (Council) was established to develop and submit the Strategy to Congress, solicit, review, and evaluate project

proposals, and recommend projects to the Secretary of the Army. Much of the Council's work will involve soliciting and funding on-the-ground habitat restoration projects. The Strategy, however, is broader than site-specific restoration. It encourages coordinating, integrating, and capitalizing upon the broad spectrum of ongoing estuary restoration efforts throughout the country. Its goal is to bring together the collective expertise, technical, and financial resources of the Federal community, the practical experience of tribal, State, local and nongovernmental groups, and the vision of the corporate world to restore the integrity of our Nation's estuarine systems. The Federal investment will be used to leverage the financial and technical contribution of non-Federal partners, providing sound ecological and economic returns.

The Strategy calls for restoration activities that improve degraded estuaries or estuarine habitat, or those that create estuarine habitat, with the goal of attaining a self-sustaining system integrated into the surrounding landscape. Restoration projects must improve or establish function to degraded or destroyed habitats and be located to recapture regional ecological integrity. Successful restoration of estuarine habitat will protect native flora and fauna in estuaries and their watersheds, while providing multiple additional benefits such as improved surface and ground water quality and quantity, nutrient cycling, flood control, outdoor recreation, and other services, valued by local stakeholders and consistent with the establishment and maintenance of healthy ecosystems.

The goal of the Strategy is to restore one million-acres of estuarine habitat by 2010. The Council will organize and support a task force to recommend methods for tracking progress toward the million-acre goal, including defining a baseline timeframe for comparison. The task force will consider regional and local perspectives on quantifying project successes. Subsequently, the Council will produce periodic reports on progress toward meeting the Strategy's million-acre goal, as well as other habitat trends.

The Act defines estuary as "a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water from land drainage." Estuary also includes the " * * * near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries." For the purposes of this Strategy, estuaries are considered to extend from the head of tide to the

boundary with the open sea (to downstream terminus features or structures such as barrier islands, reefs, sand bars, mud flats, or headlands in close proximity to the connection with the open sea). In the Great Lakes, riparian and nearshore areas adjacent to the drowned mouth of a stream entering one of the Lakes will be considered estuaries. Additionally, an unimpaired connection refers to "natural" convergence patterns between fresh and salt-water sources, disregarding the influence of man-made structures and obstructions. Estuary habitat includes the estuary and its associated ecosystems, such as: salt, brackish, and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream corridors under tidal influence. The Strategy supports restoration work targeted at improving degraded estuarine habitat or creating estuarine habitat, including activities occurring both within estuaries and in their associated ecosystems.

Some restoration projects can easily measure success in terms of acreage (for example, projects that plant vegetation), but many cannot (for example, projects that alter hydrology). By manipulating a relatively small area, the function of a much larger habitat area can be improved. For the purposes of this Strategy, therefore, the restored area will be defined as that area over which appropriate monitoring can document the establishment or improvement of desirable ecosystem characteristics.

The Estuary Habitat Restoration Council developed this Strategy building on work done by Council member agencies, environmental professionals, and private conservation organizations, including Restore America's Estuaries. In consultation with restoration professionals, scientists, academics, and nonprofit organizations, Restore America's Estuaries has developed A National Strategy to Restore Coastal and Estuarine Habitat. The document provides a framework for restoring function to estuary and coastal habitats, which can aid in focusing restoration efforts to reach this Strategy's million-acre goal.

This Strategy is dynamic. It will evolve over time according to information collected through monitoring and research programs and feedback from restoration practitioners, scientists, and public agencies and private organizations. Reaching the one-million-acre goal will require further

close coordination among the Federal partners and tribal, State, local and private partners as habitat priorities, project efficiencies, and funding sources are identified.

Trends of Estuarine Habitats

Section 106(d) of the Estuary Restoration Act of 2000 requires that the National Strategy include guidance on addressing trends of estuarine habitats, including historic losses, estimated current rate of loss, the extent of the threat of future loss or degradation, and a measurement of the rate of change. For purposes of this Strategy, estuarine habitats will include the complex of physical and hydrologic features and living organisms within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp bed, river deltas, and river and stream corridors under tidal influence.

Understanding trends as well as the structure, function and extent of various estuarine habitats is key to an effective and efficient restoration program. Trends data provide a chronological and geographic picture of change in habitat types, thereby helping managers to recognize ecological stability or stress. These help to identify existing or potential habitat threats so that early action can be taken to avoid or rectify them. This information can be used to establish a baseline from which to quantify restoration success. By identifying both healthy and impaired ecosystems, trends information can help managers to target habitat restoration efforts in a cost-effective manner. For these reasons this Strategy encourages the development and use of trends data in designing restoration programs for estuarine habitats. The Strategy recognizes that when using this data, it is important to understand the conventions and mapping standards that underlie data collection so that they can be appropriately applied. For instance, it may not be accurate to make local assumptions based on data that was meant for a national study.

The Council will use a classification system based on Cowardin *et al.* (1979). The Cowardin classification system is the national standard for wetland mapping, monitoring and data reporting as determined by the Federal Geographic Data Committee (<http://www.fgdc.gov/>). Examples of the relevant classes are: Estuarine subtidal, including open water, bay bottoms, and reefs; estuarine intertidal emergents,

such as salt marsh; estuarine intertidal forested/shrub, such as mangroves; estuarine intertidal unconsolidated shore, such as beaches, bars and mudflats; and estuarine aquatic bed, such as submerged or floating estuarine vegetation. Freshwater habitat categories to be included because they are estuarine-associated ecosystems or are found in the Great Lakes include: palustrine forested wetlands, such as forested swamps or riparian zones; palustrine shrub wetlands; and palustrine emergents, including inland marshes and wet meadows. As appropriate and supported by the scientific and resource management communities, the Council will recognize and use regional refinements in classification of habitat types that augment the Cowardin system.

Within two years after publication of this Strategy, the Council will review information available for estuarine habitats concerning historic losses, current rates of loss, the extent of the threat of future loss or degradation, and measures of the rate of change, and identify gaps in trends information that can be addressed by the Council members and/or its partners. Data collected will be used to help identify regional and national restoration priorities.

Organizations and agencies preparing or updating estuary management or restoration plans should incorporate available information on estuary trends in their documents and consider this data when establishing project priorities. In addition, project proposals submitted to the Council for potential funding should address existing information about the trends for estuarine habitat types in the project area and explain how this information was considered when developing the project proposal. Among the sources of information to consult are historic maps and navigation charts, tribal, State and local agencies, available aerial photography and other remote sensing data, Federal agencies such as the members of the Estuary Habitat Restoration Council and the United States Geological Survey, reports on Federal projects in estuaries, and universities conducting research in local estuaries.

It is also important to collect information relating to the causes of change in estuarine habitat types, distribution, quality and quantity. This will help in defining the types of projects that may be needed, setting realistic goals, and influencing the design. For example, if the primary limiting factor is water quality and the source of the problem is upstream,

success of any estuary restoration project might be limited until the upstream problem is resolved. The Council will give priority to projects that clearly address historic losses in areas where steps are being taken to address the causes of degradation and where there is a reasonable likelihood of success in the foreseeable future.

Estuary Management or Habitat Restoration Plans

This Strategy will be implemented in a manner consistent with estuary management or habitat restoration plans. An estuary habitat restoration plan is defined in the Act as “* * * any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.” These plans include (but are not limited to) the estuarine habitat restoration components of comprehensive conservation and management plans approved under section 320 of the Federal Water Pollution Control Act, lakewide management plans or remedial action plans developed under section 118 of the Federal Water Pollution Control Act, management plans approved under the Coastal Zone Management Act of 1972, and the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act.

Effective estuary habitat restoration plans typically contain common elements such as focusing on the watershed as the basic management unit, integrating good science with sound decision-making, and emphasizing collaborative problem solving. Also essential is public and private stakeholder participation. This is crucial to the final success of any plan, because those individuals and private interests affected by measures to maintain and restore the estuary are ultimately responsible for implementing the plan. Providing them the opportunity to design and contribute during early planning stages promotes “buy-in” when the time comes to undertake restoration actions and activities.

Another component of successful restoration plans is clearly identifying a central goal or set of goals and describing means for measuring progress toward achieving these goals. Performance measures may be as simple as the number of acres of habitat directly restored. Many federally approved estuary management and restoration plans track major milestones or other implementation activities to

ensure progress is occurring, or if it is not, to identify what necessary steps to take to move forward.

Successful plans also include trend assessment, which is critical to watershed characterization, such as loss of historic estuarine habitat, land use, development, recreation, and fisheries pressures. This information is necessary to identify problems facing a given watershed and to select those actions necessary to return it to the desired state. Status and trend information can help to assess the condition of the highest priority resources and can forecast future conditions should current trends continue. It can also highlight data gaps.

Finally, plans should identify management and restoration priorities. Identifying regional or estuary-level restoration priorities will help projects address the most critical habitat needs. The Council will give priority to those projects that have the best potential to restore habitat functions successfully. Improved planning will also allow benefits to be accrued over a larger scale, enhancing the overall effectiveness of restoration efforts.

In accordance with the Act, every project considered for funding under this authority must address restoration needs identified in an estuary habitat restoration plan. Additionally, one of the factors for the Secretary of the Army (Secretary) to consider when selecting a project to fund is whether the project is part of an approved Federal estuary management or habitat restoration plan. This selection criterion will help ensure that the Strategy is implemented in a manner consistent with such plans.

Agency staff supporting the Council participated in and reviewed the results of a recent effort supported by the National Oceanic and Atmospheric Administration and led by Restore America's Estuaries, a nongovernmental organization, to review existing estuary restoration plans. Plans reviewed included those developed for Federal programs, such as the National Estuary Program (Comprehensive Conservation and Management Plans), State Coastal Zone Management Plans, and other Tribal and State plans; and watershed or estuary plans, such as the Puget Sound Water Quality Management Plan and The Nature Conservancy's Ecoregional Plans. Review of these plans revealed that the level and sophistication of planning for estuarine and coastal habitat restoration varies significantly among the regions and watersheds of the United States. In some coastal areas, only broad, coastal management planning has been completed, while in other areas sophisticated planning

efforts with strong community and stakeholder participation have determined specific habitat restoration goals and priorities.

By working with tribal, State and local agencies and nongovernmental organizations, the Council will help to identify gaps in planning, and encourage sharing of information and other collaborative efforts to improve restoration plans. The Council will also seek to promote coordination of planning activities associated with other tribal, State and Federal programs. For example, the Council will encourage regional planning workshops, bringing together resource managers, scientists, and other stakeholders to establish restoration goals and priorities. The Council could also identify and recommend the use of successful planning frameworks such as those developed by the National Estuary Program and other examples.

Ecosystem Level Approach

This Strategy recognizes that successful estuary restoration projects with multiple goals will improve ecosystem function. Restoration projects should be designed using an ecosystem or watershed approach to establish a self-sustaining area that provides the structure and function necessary to support the many interrelated physical, biological, and chemical components of healthy estuarine habitats. The definition of "self-sustaining" will vary according to specific site conditions, the landscape context, and project goals, but will generally include those habitats that require little or no high cost maintenance following the period of initial establishment and adaptive management. The prospects for self-sustainability can be enhanced by ensuring that the original causes of habitat degradation have been addressed, both within and surrounding the restoration site.

While protection is not explicitly included within the scope of the Estuary Restoration Act, restoration activities should be planned and performed with awareness of the surrounding land use/land cover. Siting a restoration project close to protected areas can increase the habitat effectiveness of both the restoration area and nearby protected areas, by extending wildlife corridors, decreasing edge effects, and ultimately forming a more intact ecosystem.

An ecosystem or watershed approach will facilitate the development of projects with multiple benefits. Examining how actions fit into the surrounding area and considering economic, recreational, water quality, land use, and other parameters, are

necessary to achieve restoration goals. Estuarine habitats are a web of interrelated components, each supporting and depending on the other for healthy function.

Estuary restoration projects that include physical and functional restoration should also include objectives to provide healthy ecosystems to support wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed, as well as fish and shellfish, including commercial and recreational fisheries.

Restoration of healthy ecosystem function can provide improved water quality and flood control benefits. For example, healthy and intact tidal wetlands filter water flowing from rivers and tributaries to the ocean, remove pollutants from runoff and trap and assimilate nutrients. Estuarine wetlands also have the capacity to store floodwater and can provide a critical physical buffer between land and water, protecting communities from flooding and storm surge.

Healthy estuaries also provide multiple opportunities for outdoor recreation, such as recreational fishing, boating, birding, and a variety of water sports. The recreation industry dependent on healthy estuaries provides significant income to coastal regions. Restoration projects completed under this Strategy may incorporate recreational features that are compatible with the primary goal of restoring healthy habitat function.

In its review of project proposals, the Council will support projects developed in an ecosystem context with multiple benefits and those that utilize natural processes to restore and maintain estuary habitat. The Council will work with others to share examples of particularly effective projects that exemplify the ecosystem approach.

Partnerships

To achieve the goal of restoring one million-acres of estuarine habitat, it will be important to involve individuals and organizations from both the public and private sectors. Enhancing partnerships among agencies and establishing new public-private partnerships is a central theme of the Act and a critical part of this Strategy.

In order to meet the goals of the Act, the Council will improve coordination among existing restoration programs by reviewing and discussing programs administered by agencies represented on the Council, and developing shared goals and objectives for habitat restoration. Although agencies may differ in their implementation strategies,

developing common goals will facilitate coordination. The Council will also coordinate with tribal and State habitat restoration programs to improve the effectiveness of restoration efforts.

In order to maximize public-private partnerships, the Council encourages collaboration among public agencies, private organizations, companies, and individuals (e.g., private landowners, hunters, birders, fishermen, etc.) in restoration efforts. This connectivity encourages private organizations, companies, landowners and others to bring their resources (financial or in-kind) to the table to assist in planning and implementing successful restoration projects. There are several existing programs that provide models for successful partnerships, including the Coastal America Corporate Wetlands Restoration Partnership, a voluntary public-private partnership in which corporations join with Federal, tribal and State agencies to restore wetlands and other aquatic habitats. The Joint Venture Partnerships developed to implement the North American Waterfowl Management Plan provide another model of regionally based partnerships (public/private/tribal) that plan and implement habitat projects within a regional and international context using diverse funding sources, notably the North American Wetlands Conservation Act grants program. The Strategy recognizes that partnership models will vary throughout the country and need to be broad enough to allow for regional differences and local preferences.

Private support can range from providing materials or funding to the use of volunteers for hands-on restoration or monitoring. One way to encourage resourceful, active partnerships, and especially to acknowledge the efforts of volunteers, is to establish annual awards recognizing successful restoration efforts. These awards may be given to a wide variety of groups, including nongovernmental organizations, individuals, businesses, and local, State, tribal, and Federal agencies to reward efforts at all levels.

Private partnerships may also be critical for those projects involving demonstration or pilot testing of an innovative technology. The estuarine habitat restoration program established in the Act requires a non-Federal sponsor to provide a minimum of 35 percent of the costs of a restoration project. However, when innovative technology is involved, the percentage required to be contributed by the non-Federal sponsor shall be reduced to 15 percent for the incremental cost of using the new technology. The Council will

consider technology "innovative" if it involves a new process, technique, or material or uses existing processes, techniques, or materials in a new application. The non-Federal sponsors must provide all of the lands, easements, rights-of-way and relocations. The non-Federal sponsor is also responsible for all costs associated with operation, maintenance, replacement, repair and rehabilitation of the project, including monitoring. This presents many opportunities for the involvement of a broad array of individuals and organizations to participate in the restoration effort.

To expand the base of support for restoration, the Council will encourage member agencies and private partners to maintain and expand existing web sites that provide information on both public and private sources of funding for estuary projects. Web sites should include links to other web sites that emphasize accomplishments of completed restoration projects. Effective implementation of any restoration plan requires a well-developed funding strategy that identifies governmental, nonprofit, and private resources to provide support both in the near and long term. The Council will work with other Federal, tribal, State and local agencies, nongovernmental organizations and private parties to identify and publicize funding sources, and will also identify examples of effective partnerships that have implemented estuary restoration projects. Examples include: The U.S. Environmental Protection Agency's Environmental Finance Program, the National Oceanic and Atmospheric Administration's Community-based Restoration Program, the U.S. Fish and Wildlife Service's Coastal Program, the U.S. Department of Agriculture's Wetland Reserve Program, Restore America's Estuaries' inventory of federal funding sources, the National Fish and Wildlife Foundation and the Coastal America Corporate Wetlands Restoration Partnership.

Habitat Restoration Program

The Act establishes "an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title." This is one means for achieving the one-million-acre goal of the Strategy. The statute includes requirements for non-Federal origination of projects, selection criteria, cost-sharing, operation and maintenance, authority for nongovernmental agencies to be sponsors, a requirement for a written

agreement between the non-Federal partner and the Secretary, and potential delegation of project implementation.

The Act defines the term estuary habitat restoration activity to mean "an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape." Projects funded under this program will be consistent with this definition. Eligible habitat restoration activities include establishment or improvement of chemical, physical, hydrologic, and biological features and components associated with an estuary. Projects that may be considered include, but are not limited to, improvement of estuarine wetland tidal exchange or reestablishment of historic hydrology, providing fish passage, establishment of riparian buffer zones, construction of reefs to promote fish and shellfish production, reintroduction of native species or populations, and control of invasive species. Cleanup of pollution for the benefit of estuarine habitat may be considered, as long as it does not meet the definition of excluded activities in the Act. Excluded activities are those required for mitigation of adverse effects of a regulated activity or that constitutes restoration for natural resource damages. However, synergy may be achieved by combining estuarine habitat restoration activities with otherwise "excluded activities" as long as the activities can be clearly separated for cost-sharing and other purposes.

Section 104(c) of the Act contains four required elements and seven selection factors to be considered by the Secretary of the Army when determining which projects to fund. Required elements include: contribution to meeting restoration needs identified in an estuary plan, consistency with this Strategy, inclusion of a monitoring plan, and satisfactory assurance that the non-Federal sponsor has adequate authority and resources. Selection factors listed in the Act are: Inclusion in an approved Federal plan, technical feasibility, scientific merit, encouragement of increased cooperation among government agencies at all levels, fostering of public-private partnerships, cost-effectiveness, and whether the State has a dedicated source of funding for acquisition or restoration of estuarine habitat. If a project merits selection based on the above criteria, then priority consideration will be given to a project if it: (a) Occurs within a watershed where there is a program being

implemented that addresses sources of pollution and other activities that otherwise would adversely affect the restored habitat water quality in the watershed; or (b) includes an innovative technology having the potential to achieve better restoration results than other technologies in current practice, or comparable results at lower cost in terms of energy, economics, or environmental impacts. More detailed information about processes to be used for accepting, reviewing, evaluating and selecting projects to be funded under the Act will be contained in documents to be released at a future date.

The Council will consider the factors discussed above during its review and ranking of proposals for the Secretary's consideration. Additional criteria may also be developed by the Council to facilitate review and these will be included in the program guidance. The list of recommended projects will be provided in priority order. The Secretary may consider other factors when selecting projects to fund from the list provided by the Council.

In addition to considering the selection and priority factors in sections 104(c)(3) and (4), the Secretary will also select a balance of smaller and larger estuarine habitat projects and ensure an equitable geographic distribution of the funded projects. The Council recognizes that the scope and benefits of a project are not always directly proportional to the cost and that projects are sometimes difficult to characterize adequately in terms of acreage to be restored. For purposes of selecting a balance of smaller and larger estuarine habitat restoration projects, the Council will use a combination of cost and acreage as criteria to define small projects. In general, a small project would be one with a Federal cost-share (applied to planning, design and construction activities) of \$250,000 or less and that manipulates 50 acres or less. The Council will discuss and classify projects that cannot be easily characterized as "small" or "large" because of conflicts between cost and acreage factors. The availability of funding, project costs, and the nature of the proposals will affect the ability to assure equitable geographic distribution of projects funded by this program. In any one year, the Council may recommend funding more projects in one region than another but will consider the number, scope and cost of funded projects in a region when making subsequent funding decisions.

The goal will be to select those projects that address national priorities while assuring that all regions of the country benefit from the program. The

Council will explore various means for defining national priorities and consider those priorities in project selection.

Innovative Technology

To support the incorporation of innovative technologies in restoration projects conducted under the Act, the Council, in cooperation with the National Estuarine Research Reserve System and other federal research and development facilities, will encourage the development of innovative restoration technology and monitoring capabilities. This will include efforts to identify and transfer innovative restoration technologies, methods, and monitoring strategies to program participants for future use in restoration activities carried out under the Act.

Ensuring Success

The Act stipulates that monitoring is essential for evaluating and documenting our progress toward reaching the goal of restoring one million-acres of estuarine habitat. By closely tracking progress at the project level, we can determine whether individual projects contribute to meeting the goals of estuary and regional restoration plans, and tally habitat acreage restored over a national scale. In addition to monitoring at the project level, ecosystem-level monitoring may also be needed to judge restoration success. Monitoring information will allow restoration planners and practitioners to modify their efforts according to on-the-ground results, and can build long-term public support for habitat protection and restoration efforts.

Because monitoring is essential to both documenting success and adapting project and program approaches, it should be a central concern of those designing a restoration project or regional restoration plan. For each habitat type to be restored, the monitoring plan should define the desired structure and functions in the context of project goals, and identify attributes indicating those functions. Quantitative performance standards for projects should include functional and structural elements and be linked to appropriate, local reference habitats that represent "target conditions." It may also be useful to compare the project site to degraded, non-restored "control" sites to better document project-induced improvements in habitat condition.

Ideally, restoration goals should be quantitative, as well as spatially and temporally specific. Project goals should also be measurable and realistic. A realistic goal should consider causes of past decline of the habitat proposed for

restoration and surrounding land cover and ecosystem conditions. Monitoring data should be used to guide project operations and maintenance.

Specific project goals will determine the appropriate complexity of each monitoring plan. The project must include monitoring on a regular basis and over a meaningful time period. The length of the ideal monitoring program will vary depending on the habitat type and project goals for restoring function, but should always include pre-construction measurements to establish baseline conditions, monitoring during project construction to determine whether to adjust techniques or goals, and post-construction monitoring to confirm success of the restoration and alert project managers to the need for adjustments. Project monitoring should document any changes to the original construction specifications, including what problems were encountered, the reasoning behind any changes, and any changes the project staff would recommend with the knowledge they now possess. Information on changes from baseline conditions and comparison to reference or control sites should be included as well.

Beyond monitoring individual restoration projects, local, tribal, State or regional groups should also conduct monitoring over the estuary or regional scale to allow a more complete evaluation of restoration successes. System-wide monitoring of water quality and other habitat parameters can gauge ecosystem improvements beyond those achieved at project sites. Additionally, remote sensing may be useful in documenting both baseline habitat information and large-scale changes in habitat coverage and conditions. Broad-scale monitoring programs such as those currently being developed through the National Oceanic and Atmospheric Administration's National Estuarine Research Reserve System program and the U.S. Environmental Protection Agency's National Estuary Program should be consulted in the development of long-term monitoring programs.

The restoration and maintenance of healthy coasts and estuaries will require the long-term support of a broad cross-section of the public. Including local communities in planning and implementing restoration projects will build interest in protecting and maintaining restored habitat. Increased awareness of the attributes needed to sustain healthy habitat will increase local stewardship of the environment and will help to ensure the long-term success of restoration projects.

The National Oceanic and Atmospheric Administration, in consultation with the Council, will develop standard data formats for project monitoring, along with requirements for types of data collected and frequency of monitoring. These standards will build on existing inter-agency efforts to develop monitoring protocols and restoration databases. These standards are not intended to limit the types of information gathered by project managers, but rather to ensure that data will be useful to other parties, and to facilitate regional and national tracking of restoration success. Consistent data collection and reporting standards should clarify results, make selection and justification of restoration methods more straightforward, ensure that success is documented based on sufficient data, enhance the restoration knowledge base, and increase the comparability of data among restoration projects.

In addition to developing monitoring data standards, the National Oceanic and Atmospheric Administration will also maintain a database of information concerning estuarine habitat restoration projects carried out under the Act, including information on project techniques, project completion, monitoring data, and other relevant information. This database will be Internet-accessible, to allow widespread dissemination and use of restoration project and monitoring data.

Conclusions

The actions described in this Strategy facilitate reaching the goal of restoring one million-acres of estuarine habitat by 2010. There are many existing programs and organizations actively involved in estuary restoration whose efforts will also contribute significantly to estuary restoration. Examples include the National Estuary Program, the National Estuarine Research Reserve System, the U.S. Fish and Wildlife Service's Coastal Program and North American Waterfowl and Wetlands Program, Restore America's Estuaries member organizations, and the program implementing the Coastal Wetlands Planning, Protection, and Restoration Act.

The Strategy is intended to be dynamic. Working with the organizations listed above and other interested stakeholders, the Council will review and refine this Strategy over time in an iterative process, as new information becomes available and progress toward meeting the goals of the Act is evaluated. Section 108(a) of the Act requires the Secretary to report to Congress at the end of the third and fifth

fiscal years. As part of this process the Council will review the Strategy and update as necessary.

The Council is preparing additional documents regarding habitat restoration program implementation and the development of monitoring standards that will be published upon completion. As indicated in this Strategy, the Council will promote a variety of efforts to facilitate promotion of partnerships and efficient, effective restoration of estuarine habitats.

References: Cowardin, L.M. V. Carter, F.C. Golet, and E.T. LaRoe. 1979. "Classification of wetlands and deepwater habitats of the United States." U.S. Fish and Wildlife Service. Biological Services Program; FWS/OBS-79/31. 131 pp.

Restore America's Estuaries. 2002. "A National Strategy to Restore Coastal and Estuarine Habitat." Arlington, VA.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02-30570 Filed 12-2-02; 8:45 am]

BILLING CODE 3710-92-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Management Group, 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 February 3, 2003.

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 Leader, Regulatory Management Group, 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: November 26, 2003.

John D. Tressler,

*Leader, Regulatory Management Group,
Office of the Chief Information Officer.*

Office of the Chief Financial Officer

Type of Review: Revision.

Title: U.S. Department of Education Budget Information—Non-Construction Programs Form and Grant Performance Report Form.

Frequency: Once, only per application for new awards (524).

Affected Public: State, local, or tribal gov't, SEAs or LEAs; Not-for-profit institutions; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden: Responses: 23,250. Burden Hours: 421,875.

Abstract: This collection is necessary for the award and administration of discretionary and formula grants. The collections specific to ED forms are part of the reinvented process ED used for awarding multi-year discretionary grants. The new process substantially increases flexibility of the grant process by enabling all years of multi-year budget to be negotiated in at the time of initial award (Budget Information Non-Construction Programs, ED FORM 524). The U.S. Department of Education Grant Performance Report (ED Form 524B) is one of the tools used by ED Staff as a monitoring tool in the Post-Award and Grant Administration functions.

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 2149. When you access the information collection, click on

"Download Attachments" to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address vivian_reese@ed.gov. Requests may also be electronically mailed to the internet address OCIO_RIMG@ed.gov or faxed to 202-708-9346. 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 Sheila Carey at her e-mail address Sheila.Carey@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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