

titled, U.S. Climate Change Science Program Synthesis and Assessment Product 5.2 “Best practice approaches for characterizing, communicating, and incorporating scientific uncertainty in decisionmaking.”

This draft report is being released solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by NOAA. It does not represent and should not be construed to represent any Agency policy or determination. After consideration of comments received on the draft report, a revised version along with the comments received will be published on the CCSP web site.

DATES: Comments must be received by June 9, 2008.

ADDRESSES: The draft Synthesis and Assessment Product: 5.2 is posted on the CCSP Web site at:

<http://www.climatescience.gov/Library/sap/sap5-2/default.php>

Detailed instructions for making comments on this draft report are provided at the CCSP link. Comments must be prepared in accordance to these instructions and must be submitted to:

5.2-uncertainties@climatescience.gov

FOR FURTHER INFORMATION CONTACT: Dr. Fabien Laurier, Climate Change Science Program Office, 1717 Pennsylvania Avenue, NW, Suite 250, Washington, DC 20006, Telephone: (202)419-3481.

SUPPLEMENTARY INFORMATION: The CCSP was established by the President in 2002 to coordinate and integrate scientific research on global change and climate change sponsored by 13 participating departments and agencies of the U.S. Government. The CCSP is charged with preparing information resources that promote climate-related discussions and decisions, including scientific synthesis and assessment analyses that support evaluation of important policy issues.

Dated: April 8, 2008.

William J. Brennan,

Deputy Assistant Secretary of Commerce for International Affairs, and Acting Director, Climate Change Science Program.

[FR Doc. E8-8829 Filed 4-22-08; 8:45 am]

BILLING CODE 3510-12-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XH02

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of Availability; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) announces that the Proposed Lake Ozette Sockeye Salmon Recovery Plan (Plan) is available for public review and comment. The Plan addresses the Lake Ozette Sockeye Salmon (*Oncorhynchus nerka*) Evolutionarily Significant Unit (ESU), which spawns in Lake Ozette and its tributaries, on the Olympic Peninsula at the western edge of Washington State. NMFS is soliciting review and comment from the public and all interested parties on the Proposed Plan.

DATES: NMFS will consider and address all substantive comments received during the comment period. Comments must be received no later than 5 p.m. Pacific daylight time on June 23, 2008.

ADDRESSES: Please send written comments and materials to Rosemary Furfey, National Marine Fisheries Service, 1201 N.E. Lloyd Blvd, Suite 1100, Portland, OR 97232. Comments may also be submitted by e-mail to: OzettePlan.nwr@noaa.gov. Include in the subject line of the e-mail comment the following identifier: Comments on Lake Ozette Sockeye Plan. Comments may be submitted via facsimile (fax) to 503-872-2737.

Persons wishing to review the Plan can obtain an electronic copy (i.e., CD-ROM) from Sharon Houghton by calling 503-230-5418 or by e-mailing a request to sharon.houghton@noaa.gov with the subject line “CD-ROM Request for Lake Ozette Sockeye Plan.” Electronic copies of the Plan are also available on-line on the NMFS website www.nwr.noaa.gov/Salmon-Recovery-Planning/ESA-Recovery-Plans/Draft-Plans.cfm

FOR FURTHER INFORMATION CONTACT: Rosemary Furfey, NMFS Lake Ozette Salmon Recovery Coordinator at 503-231-2149, or Elizabeth Gaar, NMFS Salmon Recovery Division at 503-230-5434.

SUPPLEMENTARY INFORMATION:

Background

Recovery plans describe actions beneficial to the conservation and recovery of species listed under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). The ESA requires that recovery plans incorporate: (1) objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions. The ESA requires the development of recovery plans for each listed species unless such a plan would not promote its recovery.

NMFS is responsible for developing and implementing ESA recovery plans for listed salmon and steelhead. In so doing, NMFS' goal is to restore endangered and threatened Pacific salmonids to the point that they are again self-sustaining members of their ecosystems and no longer need the protections of the ESA. NMFS believes it is critically important to base its recovery plans on the many state, regional, tribal, local, and private conservation efforts already underway throughout the region. This Plan is the product of a collaborative process initiated by NMFS and involving the participation and contributions of a wide group of private and governmental entities, citizens, and sovereigns (tribes) with the potential to contribute to recovery. In 2005, NMFS and the Lake Ozette Steering Committee (Steering Committee), an existing, locally based citizen group, began working together to write a draft recovery plan for Lake Ozette sockeye salmon. The goal was to produce a plan that meets ESA requirements for recovery plans as well as the State of Washington's recovery planning outline and guidance (www.governor.wa.gov/gdro/default/htm).

The Steering Committee has met periodically since 1981 to discuss natural resource issues related to sockeye salmon. The Steering Committee is made up of representatives from the Makah and Quileute Tribes, Olympic National Park, Clallam County, local land owners, Washington Governor's Salmon Recovery Office, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, NMFS, U.S. Environmental Protection Agency, North Olympic Peninsula Lead Entity, private timber companies, and local citizens.

Frequent Steering Committee meetings enabled NMFS and Puget Sound Technical Recovery Team members to share draft recovery plan products and seek Steering Committee review and comment as the draft plan was developed. In early 2007, the preliminary draft Lake Ozette Sockeye Limiting Factors Analysis (Haggerty *et al.*, 2007) and NMFS' Status Report for Completing the Sockeye Recovery Plan were posted on the North Olympic Peninsula Lead Entity web page at noplegroup.org/NOPLE/pages/watersheds/OzetteLakeWatershedPage.htm.

In addition to participating in frequent Steering Committee meetings during development of the draft recovery plan, NMFS periodically briefed staff or members of the following key stakeholder groups: Olympic National Park, Clallam County Commissioners and Planning Department, Makah Tribe, Quileute Tribe, Washington Forest Protection Association, Olympic Coast National Marine Sanctuary, Lake Ozette watershed private timber land managers, Lake Ozette watershed landowners, and North Olympic Peninsula Lead Entity.

NMFS has appointed teams of scientists with expertise in salmon species to provide scientific support for recovery planning in the Northwest. These technical recovery teams (TRTs) include biologists from NMFS, state, tribal, and local agencies, academic institutions, and private consulting groups. The Puget Sound TRT provided two reports for the Lake Ozette sockeye salmon recovery planning process: (1) a description of the Lake Ozette sockeye salmon population (Currens *et al.*, 2006) and (2) viability criteria for the sockeye (Rawson *et al.*, 2008). The team also reviewed the Lake Ozette Sockeye Limiting Factors Analysis (Haggerty *et al.*, 2007) and the draft recovery plan in detail, and the Plan was revised accordingly.

The proposed Plan is now available for public review and comment. The Limiting Factors Analysis and the two Puget Sound TRT reports, which provide the scientific basis for the Plan, are also available for public review and comment. With approval of the final Plan, NMFS commits itself to implement the actions in the Plan for which it has authority and funding, to work cooperatively on implementation of other actions, and to encourage other Federal agencies and tribal governments to implement Plan actions for which they have responsibility and authority. NMFS will also encourage the State of Washington to seek similar

implementation commitments from state agencies and local governments. NMFS will seek opportunities to work with tribal governments on plan implementation to help the agency meet its trust and treaty responsibilities to the tribes. NMFS will encourage other Federal agencies to do the same when implementing programs that may affect trust and treaty resources.

NMFS expects the Plan to help NMFS and other Federal agencies take a more consistent approach to future ESA section 7 consultations and other ESA decisions. For example, the Plan will provide greater biological context for the effects that a proposed action may have on the species. This context will be enhanced by adding recovery plan science to the "best available information" for section 7 consultations as well as for ESA section 10 habitat conservation plans and other ESA decisions. Such information includes viability criteria for the ESU, better understanding of and information on limiting factors and threats facing the ESU, better information on priority areas for addressing specific limiting factors, and better geographic context for where the ESU can tolerate varying levels of risk.

The Plan

Lake Ozette, its perimeter shore, and most of the Ozette River, which forms the outlet of the lake to the estuary and Pacific Ocean, are included in the 922,000-acre Olympic National Park. This Plan complements, recognizes, and works within the authorities of the Olympic National Park, Clallam County, the Forest Practices Habitat Conservation Plan, the Washington Department of Natural Resources Habitat Conservation Plan, and tribal trust and treaty rights, and does not augment or supersede these or other authorities.

Lake Ozette sockeye salmon were listed under the Endangered Species Act (ESA) on March 25, 1999 (64 FR 14528) as a species threatened with extinction. The Lake Ozette Sockeye Salmon ESU is unique among other ESA-listed salmon in being made up of only one population with an inland range that is limited to a single freshwater watershed a short distance from the ocean. Furthermore, the Lake Ozette watershed has an unusual potential for protection and restoration of landscape processes to support long-term salmon survival, because it is relatively undeveloped, has a relatively low human population density, and the lake itself is located in the Olympic National Park.

The Plan is based on a series of hypotheses about what is limiting the

survival of Lake Ozette sockeye salmon. These hypotheses are based on the best available current knowledge about the Lake Ozette sockeye salmon, and are designed to be tested in the course of time through monitoring the fish, their environment, and the effects of the actions that may be taken to protect and improve the Lake Ozette sockeye's ecosystem and survival chances. The process of designing actions based on best available information, then monitoring the results to find out what works best and changing the actions as appropriate, is called adaptive management. The Plan is intended as a tool for adaptive management for Lake Ozette sockeye salmon recovery.

ESU Addressed and Planning Area

The Plan is intended for implementation within the range of the Lake Ozette Sockeye Salmon ESU, which spawns in Lake Ozette or its tributaries, on the Olympic Peninsula at the western edge of Washington State. The Lake Ozette Sockeye Salmon ESU is made up of only one population (Currens *et al.*, 2006), which currently contains five distinct spawning aggregations that are described in the Plan as subpopulations. The subpopulations can be grouped according to whether they spawn in tributaries or near lake beaches. Lake Ozette sockeye salmon are distinguished from other Washington sockeye salmon ESUs based upon unique genetic characteristics, early river entry, the relatively large adult body size, and large average smolt size relative to other coastal Washington sockeye salmon populations.

Lake Ozette is situated on the coastal plain between the Pacific Ocean and the Olympic Mountains. The lake is approximately 8 miles (12.9 km) long from north to south and 2 miles (3.2 km) wide, irregularly shaped, and containing several bays, distinct points, and three islands. With a surface area of 11.8 mi² (30.6 km²; 7,550 acres; 3,056 ha), Lake Ozette is the third largest natural lake in Washington State. The Ozette River drains the lake from its north end and travels approximately 5.3 miles (8.5 km) along a sinuous course to the Pacific Ocean. The total drainage area of the Ozette watershed at the confluence with the Pacific Ocean is 88.4 mi² (229 km²).

Historically, the Ozette watershed supported thriving populations of sockeye salmon, which were an important element of the fisheries of the Makah and Quileute Tribes as well as an important subsistence species for early European-American settlers in the watershed. The peak harvest of 17,500 fish was recorded in 1949, but

abundance decreased rapidly in the following two decades. Because of declining numbers, tribal commercial harvest ceased in 1974 and all tribal ceremonial and subsistence harvest ceased in 1982.

The Plan's Recovery Goals and Recovery Criteria

The Plan's goal is for the Lake Ozette sockeye salmon population to reach the point that it is naturally self-sustaining, no longer needs the protection of the Act, and can be delisted. In addition, a recovery plan can have "broad-sense" goals that may go beyond the requirements for delisting to acknowledge social, cultural, or economic values regarding the listed species. NMFS and the Lake Ozette Steering Committee crafted the following vision statement describing desirable future conditions for the Lake Ozette sockeye salmon and its human and biological setting:

"The naturally spawning Lake Ozette sockeye salmon population is sufficiently abundant, productive, and diverse (in terms of life histories and geographic distribution) to provide significant ecological, cultural, social, and economic benefits. Protection and restoration of ecosystems have sustained processes necessary to maintain sockeye as well as other salmon, steelhead, cutthroat trout, and other native fish and wildlife species. Community livability, economic well-being, and treaty-reserved fishing rights have benefited by balancing salmon recovery with management of local land use and fishery economies."

To meet the ESA requirement for objective, measurable criteria for delisting, the Plan provides biological recovery criteria based on the Puget Sound TRT viability criteria for Lake Ozette sockeye salmon as well as "threats" criteria based on the listing factors defined in ESA section 4(a)(1).

Biological Recovery Criteria

The Puget Sound TRT provided viability criteria for Lake Ozette sockeye salmon in terms of the four "viable salmonid population" (VSP) parameters defined in a NMFS technical memorandum, *Viable salmonid populations and the recovery of evolutionarily significant units* (McElhany *et al.*, 2000). The Puget Sound TRT's viability criteria for Lake Ozette sockeye salmon are as follows:

- Abundance: Between 35,500 and 121,000 adult spawners, over a number of years.
- Productivity (Growth Rate): Stable or increasing

- Spatial Structure: Multiple, persistent, and spatially distinct beach spawning aggregations, augmented by tributary spawning aggregations.

- Diversity: One or more persistent spawning aggregations from each major genetic and life history group historically present within that population. Maintain the distinctness between Lake Ozette sockeye salmon and kokanee.

NMFS, in coordination with the Steering Committee, concluded that the Puget Sound TRT's viability criteria should be the biological recovery criteria of the plan.

Threats Criteria

"Threats" are the human activities or natural events that cause the factors limiting a species' survival. For example, where high water temperatures are identified as a limiting factor, removal of riparian vegetation, which causes loss of shade and results in higher water temperatures, is categorized as a threat. The threats criteria define the conditions under which the listing factors, or threats, can be considered to be addressed or mitigated. Threats criteria are provided in Section 3.3.2 of the Plan.

Causes for Decline and Current Threats

The 1999 listing of the Lake Ozette sockeye salmon as threatened under the ESA was primarily attributed to concerns about low abundance and effects of small population genetic and demographic variability. A more thorough identification of limiting factors is provided in the draft Lake Ozette Sockeye Limiting Factors Analysis (Haggerty *et al.*, 2007). Based on the best available information and analysis, the Lake Ozette Steering Committee's Technical Workgroup evaluated and rated each of the limiting factors hypotheses for its contribution to sockeye population or subpopulation mortality by life stage.

Some limiting factors, habitat conditions, and life histories are shared among all subpopulations, while others vary. In the Limiting Factors Analysis, the subpopulations were grouped based on spawning environment, i.e., tributary vs. beach, and limiting factors were described in three categories: those affecting the entire population; those specific to beach spawners; and those specific to tributary spawners.

Two limiting factors are hypothesized as having a high impact on all Lake Ozette sockeye salmon population segments: piscivorous fish predation on juveniles rearing in the lake, and general marine survival. Limiting factors with moderate impact on all population

segments are marine mammal predation on adults re-entering the Ozette River and water quality in the Ozette River.

Limiting factors hypothesized as having a high impact specifically on beach spawners are poor-quality spawning habitat, which decreases survival in the incubation-to-emergence life stage, and predation on adults, eggs, and newly emerged fry. Limiting factors with moderate impact on beach spawners are: seasonal lake level changes; water quality issues, including turbidity and fine sediment; and competition for good quality spawning habitat, which can result in redd superimposition and decreased egg-to-fry survival.

Limiting factors hypothesized as having high impact specifically on tributary spawners are fine sediments, unstable channel, and other water quality issues that reduce spawning habitat quality and result in decreased egg-to-fry survival. High predation on fry during their emigration to the lake was identified as a limiting factor with moderate impact on tributary spawners.

Recovery Strategies and Actions

The Plan recommends an overall recovery strategy based on current research about the relationships between watershed processes, land use, and freshwater habitat. This information is then related to what is known about sockeye salmon mortality by life stage, and to the hypothesized limiting factors. The result is a hierarchy of types of recovery strategies that can form the basis for setting priorities among potential actions.

The first priority, and likely the most effective type of action, is to assess, protect, and maintain good quality habitat and the processes that create and maintain it. One example would be to protect currently used spawning areas. Another would be for willing landowners to protect forest or streamside areas with conservation easements, where trees could be allowed to grow large, mature, and eventually fall by natural forces, creating habitat conditions needed by sockeye salmon.

Next in importance and certainty of effectiveness is reconnecting isolated habitat – for example, removing a blockage in the stream, thus allowing salmon more room to spawn and rear.

Third is restoring biological processes of various kinds; this includes a wide range of potential actions. For example: restoring natural predator-prey balance by improving egg-to-fry survival and/or reducing non-native fish species by means of selective fishing; ceasing to remove large woody debris from

sections of the lower Ozette River; and assessing sources of sediment and reducing sediment production and delivery to streams.

Directly restoring degraded habitat is of lower priority because it is more difficult, often more costly, and often effective only in the short term, compared to restoring the processes that create habitat and will continue creating properly functioning habitat over time. However, some direct actions, such as placing large woody debris in carefully chosen areas, will initiate biological processes that are likely to continue naturally. Creating new habitat is significantly more difficult than working to protect and restore existing habitat; creating new habitat is therefore of lowest priority, although in some circumstances it may be the only alternative.

NMFS, with input from the Steering Committee, evaluated the sub-basins in the Lake Ozette watershed for their importance as sockeye habitat. The Plan accordingly provides geographic priorities for recovery actions.

Habitat, harvest, and hatchery factors affecting Lake Ozette sockeye salmon are included in the recovery strategies. Hatchery and harvest management issues are presented and addressed within the context of biological processes.

NMFS and the Lake Ozette Steering Committee developed an extensive list of 121 potential projects/actions. The proposed actions are designed to address the full range of limiting factors for all life cycle stages of Lake Ozette sockeye salmon and are intended to improve the health and ecosystems of these fish.

The proposed actions are in six categories:

- Fisheries management
- Habitat-related actions
- Hatchery supplementation
- Predation-related actions
- Research, monitoring, and adaptive management
- Public education and outreach

The proposed recovery actions will need to be implemented in cooperation with all appropriate permitting authorities (including the Olympic National Park), and in the context of existing permits, regulations, agreements, and public processes.

Research, Monitoring, and Adaptive Management

The Plan identifies the many knowledge gaps and uncertainties involved in designing recovery actions for the Lake Ozette sockeye salmon. Because the proposed recovery actions are based on hypotheses about the

relationships between fish, limiting factors, human activities, and the environment, the Plan recommends research and monitoring to determine progress in recovery. Monitoring is the basis for adaptive management – the process of adjusting management actions and/or directions based on new information. Research, monitoring, and adaptive management are built into the Plan.

Time and Cost Estimates

The ESA section 4(f)(1) requires that the recovery plan include “estimates of the time required and the cost to carry out those measures needed to achieve the Plan’s goal and to achieve intermediate steps toward that goal” (16 U.S.C. 1533[f](1)).

Appendix E of the Plan provides cost estimates for actions where costs are available. Costs for actions that are being implemented as part of ongoing, existing programs are considered “baseline” and are not included in Appendix E as costs to recover sockeye salmon. During the public comment period, NMFS will work with regional experts to identify costs, scale, or unit costs for actions that require more information. Appendix E and the total cost estimate will be updated with this new information for the final recovery plan. The overall total cost to implement potential recovery actions for the first 10 years of this plan is estimated to be about \$46 million. Many of these are one-time costs. Approximately \$100,000 represents ongoing, annual administrative or infrastructure costs that will likely continue for the duration of implementation of the recovery plan. Thus, it can be inferred that if recovery takes 50 years, another \$4 million may be incurred over the long term to continue and maintain proposed habitat improvements.

NMFS estimates that recovery of the Lake Ozette Sockeye Salmon ESU, like recovery for most of the ESA-listed salmon, could take 50 to 100 years. Because many uncertainties exist about how sockeye salmon and their habitat will respond to recovery actions, the costs and recovery actions in this plan focus on the first 10 years of implementation. Actions and costs will be revised over time as part of adaptive management.

Unlike other ESA-listed salmon species in Washington State, the Lake Ozette Sockeye Salmon ESU has not had a state-designated recovery board responsible for developing the recovery plan. Therefore, NMFS is working with the Lake Ozette Steering Committee and other entities such as the newly formed

North Pacific Coast Lead Entity and the Washington Coast Sustainable Salmon Partnership to make an implementation plan. NMFS anticipates that the organizations potentially involved will choose to participate, in recognition of the shared benefits of habitat protection and restoration. A detailed implementation schedule and further details of an organizational approach to implementation will be produced in 2008 after the recovery plan is adopted.

Conclusion

NMFS concludes that the Plan meets the requirements of ESA section 4(f) and thus is proposing it as an ESA recovery plan.

Public Comments Solicited

NMFS solicits written comments on the Proposed Plan. All comments received by the date specified above will be considered prior to NMFS’ decision whether to approve the Plan. Additionally, NMFS will provide a summary of the comments and responses through its Northwest Region web site and provide a news release for the public announcing the availability of the response to comments. NMFS seeks comments particularly in the following areas: (1) the analysis of, and hypotheses concerning, limiting factors and threats; (2) the recovery objectives, strategies, and actions; (3) the criteria for removing the ESU from the Federal list of endangered and threatened wildlife and plants; and (4) estimates of time and cost to implement recovery actions, including the intent to be even more specific by soliciting an implementation schedule.

Literature Cited

- Currens, K.P., R. Fuerstenberg, W. Graeber, K. Rawson, M. Ruckelshaus, N.J. Sands, and J. Scott. 2006. Independent populations of sockeye salmon in Lake Ozette. Puget Sound Technical Recovery Team document. March 21, 2006. Northwest Fisheries Science Center. NOAA Fisheries Service. Seattle, WA. 20p. www.nwfsc.noaa.gov/trt/puget_docs
- Haggerty, M.J., A.C. Ritchie, J.G. Shellberg, M.J. Crewson, and J. Jolonen. 2007. Lake Ozette Sockeye Limiting Factors Analysis: Draft 8_1. Prepared for the Makah Indian Tribe and NOAA Fisheries in cooperation with the Lake Ozette Sockeye Steering Committee. Port Angeles, WA.
- McElhany, P., M.H. Ruckelshaus, M.J. Ford, T.C. Wainwright, and E.P. Bjorkstedt. 2000. Viable salmon populations and the recovery of evolutionarily significant units. U.S.

Dept. of Commerce, NOAA Tech. Memo., NMFS-NWFSC-42, 156p.

Rawson, K., N.J. Sands, K.P. Currens, W. Graeber, M. Ruckelshaus, R. Fuerstenberg, and J.B. Scott. 2008. Viability Criteria for the Lake Ozette Sockeye Salmon ESU. Puget Sound Technical Recovery Team document. Northwest Fisheries Science Center. NOAA Fisheries Service. Seattle, WA. 39p.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: April 17, 2008.

Marta Nammack,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8-8831 Filed 4-22-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Revised Draft Framework for Developing the National System of Marine Protected Areas and Response to Comments

AGENCY: NOAA, Department of Commerce (DOC).

ACTION: Extension of public comment period; Notice on the Revised Draft Framework for Developing the National System of Marine Protected Areas.

SUMMARY: NOAA and the Department of the Interior published a notice in the *Federal Register* on March 17, 2008 (73 FR 14227) announcing a 30-day public comment period on the Revised Draft Framework for Developing the National System of Marine Protected Areas (Revised Draft Framework). Copies of the Revised Draft Framework can be requested via the contact information below or downloaded from <http://www.mpa.gov>. The deadline for public comment on the Revised Draft Framework is hereby extended.

DATES: The extended deadline for comments on the Revised Draft Framework is 11:59 EDT, May 16, 2008.

ADDRESSES: All comments regarding the Revised Draft Framework should be submitted to Joseph Uravitch, National MPA Center, N/ORM, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910. Comments sent via e-mail should be sent to mpa.comments@noaa.gov, and all comments sent by fax should be sent to 301-713-3110. E-mail and fax comments should state "Revised Draft Framework Comments" in the subject line.

FOR FURTHER INFORMATION CONTACT:

Refer to the *Federal Register* notice of March 17, or contact Lauren Wenzel, NOAA, at 301-713-3100, or via e-mail at mpa.comments@noaa.gov.

Dated: April 16, 2008.

David M. Kennedy,

Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

[FR Doc. E8-8672 Filed 4-22-08; 8:45 am]

BILLING CODE 3510-08-M

COMMODITY FUTURES TRADING COMMISSION

Proposal To Exempt the Trading and Clearing of Certain Products Related to streetTRACKS® Gold Trust Shares

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed order and request for comment.

SUMMARY: The Commodity Futures Trading Commission ("CFTC" or the "Commission") is proposing to exempt the trading and clearing of products called options on streetTRACKS® Gold Trust Shares ("ST Gold Options"), proposed to be traded on a national securities exchange, and cleared through the Options Clearing Corporation ("OCC"), from the provisions of the Commodity Exchange Act ("CEA")¹ and the regulations thereunder to the extent necessary to permit them to be so traded and cleared. Authority for this exemption is found in Section 4(c) of the CEA.²

DATES: Comments must be received on or before April 30, 2008.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal*: <http://www.regulations.gov/http://frwebgate.access.gpo/cgi-bin/leaving>. Follow the instructions for submitting comments.

- *E-mail*: secretary@cftc.gov. Include "OCC ST Gold Options 4(c)" in the subject line of the message.

- *Fax*: 202/418-5521.

- *Mail*: Send to David A. Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

- *Courier*: Same as mail above.

All comments received will be posted without change to <http://www.CFTC.gov/>.

¹ 7 U.S.C. 1 *et seq.*

² 7 U.S.C. 6(c).

FOR FURTHER INFORMATION CONTACT:

Robert B. Wasserman, Associate Director, 202-418-5092, rwasserman@cftc.gov, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Introduction

The OCC is both a Derivatives Clearing Organization ("DCO") registered pursuant to Section 5b of the CEA, 7 U.S.C. 7a-1, and a securities clearing agency registered pursuant to Section 17A of the Securities Exchange Act of 1934 ("the '34 Act").³

OCC has filed with the CFTC, pursuant to Section 5c(c) of the CEA and Commission Regulations 39.4(a) and 40.5 thereunder,⁴ requests for approval of rules and rule amendments that would enable OCC to clear and settle ST Gold Options⁵ traded on a national securities exchange in its capacity as a registered securities clearing agency (and not in its capacity as a DCO).⁶ Section 5c(c)(3) provides that the CFTC must approve any such rules and rule amendments submitted for approval unless it finds that the rules or rule amendments would violate the CEA.

The request for approval concerning the ST Gold Options was filed effective February 4, 2008, and Amendment No. 1 thereto was filed effective March 7, 2008.

II. Section 4(c) of the Commodity Exchange Act

Section 4(c)(1) of the CEA empowers the CFTC to "promote responsible economic or financial innovation and fair competition" by exempting any transaction or class of transactions from any of the provisions of the CEA (subject to exceptions not relevant here) where the Commission determines that the exemption would be consistent with the public interest.⁷ The Commission

³ 15 U.S.C. 78q-1.

⁴ 7 U.S.C. 7a-2(c), 17 CFR 39.4(a), 40.5.

⁵ streetTRACKS® Gold Trust Shares, which underly ST Gold Options, are described in greater detail in the "Proposed Exemptive Order for ST Gold Futures Contracts," 73 FR 13,867 (March 14, 2008). The length of the comment period for this proposal is informed by the fact that the ST Gold Futures Contracts proposal is outstanding, and the goal of addressing both proposals simultaneously.

⁶ See SR-OCC-2008-04 and Amendment No. 1 thereto. OCC has also filed these proposed rule changes with the SEC.

⁷ Section 4(c)(1) of the CEA, 7 U.S.C. 6(c)(1), provides in full that:

In order to promote responsible economic or financial innovation and fair competition, the