

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 65****[Docket No. FEMA-B-7761]****Changes in Flood Elevation Determinations****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Assistant Administrator of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering

Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001, *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority 42 U.S.C. 4001, *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Pinal	City of Casa Grande (07-09-1769P).	November 14, 2007; November 21, 2007; <i>Copper Basin News</i> .	The Honorable Robert M. Jackson, Mayor, City of Casa Grande, 510 East Florence Boulevard, Casa Grande, AZ 85222.	December 5, 2007	040080
Arizona: Yavapai	City of Prescott (07-09-1688P).	November 15, 2007; November 22, 2007; <i>Prescott Daily Courier</i> .	The Honorable Rowle Simmons, Mayor, City of Prescott, 201 South Cortez Street, Prescott, AZ 86303.	February 21, 2008	040098
California: Alameda ..	City of Hayward (08-09-0157P).	November 21, 2007; November 28, 2007; <i>The Daily Review</i> .	The Honorable Michael Sweeney, Mayor, City of Hayward, 777 B Street, Hayward, CA 94541.	February 27, 2008	065033
California: Riverside	City of Perris (07-09-0955P).	November 8, 2007; November 15, 2007; <i>The Press-Enterprise</i> .	The Honorable Daryl R. Busch, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.	February 14, 2008	060258
California: Riverside	Unincorporated areas of Riverside County (07-09-0955P).	November 8, 2007; November 15, 2007; <i>The Press-Enterprise</i> .	The Honorable John F. Tavaglione, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, Fifth Floor, Riverside, CA 92501.	February 14, 2008	060245
Colorado: Jefferson ..	City of Lakewood (07-08-0666P).	November 15, 2007; November 22, 2007; <i>The Golden Transcript</i> .	The Honorable Steve Burkholder, Mayor, City of Lakewood, Lakewood Civic Center South, 480 South Allison Parkway, Lakewood, CO 80226.	February 21, 2008	085075

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Connecticut: New Haven.	Town of Branford (07-01-0657P).	October 4, 2007; October 11, 2007; <i>New Haven Register</i> .	The Honorable Cheryl Morris, First Selectwoman, Town of Branford, 1019 Main Street, Branford, CT 06405.	September 19, 2007	090073
Florida: Duval	City of Jacksonville (07-04-2369P).	November 12, 2007; November 19, 2007; <i>Jacksonville Daily Record</i> .	The Honorable John Peyton, Mayor, City of Jacksonville, City Hall at Saint James, Fourth Floor, 117 West Duval Street, Jacksonville, FL 32202.	February 19, 2008	120077
Florida: Okaloosa	Unincorporated areas of Okaloosa County (07-04-4369P).	November 15, 2007; November 22, 2007; <i>Northwest Florida Daily News</i> .	Mr. James D. Curry, County Administrator, Okaloosa County, 1804 Lewis Turner Boulevard, Suite 400, Fort Walton Beach, FL 32547.	February 21, 2008	120173
Florida: Polk	City of Davenport (07-04-5360P).	November 7, 2007; November 14, 2007; <i>The Polk County Democrat</i> .	The Honorable Peter Rust, Mayor, City of Davenport, P.O. Box 125, Davenport, FL 33836-0125.	October 29, 2007	120410
Georgia: Columbia ...	Unincorporated areas of Columbia County (07-04-4563P).	November 14, 2007; November 21, 2007; <i>Columbia County News-Times</i> .	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	October 30, 2007	130059
Georgia: Coweta	City of Newnan (07-04-4787P).	November 15, 2007; November 22, 2007; <i>The Times-Herald</i> .	The Honorable Keith Brady, Mayor, City of Newnan, City Hall, 25 LaGrange Street, Newnan, GA 30263.	February 21, 2008	130062
Georgia: DeKalb	City of Atlanta (07-04-3101P).	November 14, 2007; November 21, 2007; <i>The Atlanta Journal and Constitution</i> .	The Honorable Shirley Franklin, Mayor, City of Atlanta, 55 Trinity Avenue, Suite 2500, Atlanta, GA 30303.	February 20, 2008	135157
Georgia: DeKalb	City of Decatur (07-04-3101P).	November 14, 2007; November 21, 2007; <i>Dunwoody Crier</i> .	The Honorable Bill Floyd, Mayor, City of Decatur, P.O. Box 220, Decatur, GA 30031.	February 20, 2008	135159
Georgia: DeKalb	Unincorporated areas of DeKalb County (07-04-3101P).	November 14, 2007; November 21, 2007; <i>Dunwoody Crier</i> .	The Honorable Burrell Ellis, Chairman, DeKalb County, Board of Commissioners, 1300 Commerce Drive, Decatur, GA 30030.	February 20, 2008	130065
Georgia: Murray	Unincorporated areas of Murray County (07-04-2594P).	November 16, 2007; November 23, 2007; <i>The Dalton Daily Citizen</i> .	The Honorable Jim Welch, Murray County Commissioner, P.O. Box 1129, Chatsworth, GA 30705.	February 22, 2008	130366
Iowa: Linn	City of Marion (07-07-1087P).	November 21, 2007; November 28, 2007; <i>Cedar Rapids Gazette</i> .	The Honorable John Nieland, Mayor, City of Marion, 195 35th Street, Marion, IA 52302.	February 27, 2008	190191
Iowa: Linn	Unincorporated areas of Linn County (07-07-1087P).	November 21, 2007; November 28, 2007; <i>Cedar Rapids Gazette</i> .	The Honorable Linda Langston, Chairperson, Linn County Board of Supervisors, 930 First Street, Southwest, Cedar Rapids, IA 52404.	February 27, 2008	190829
Maine: Lincoln	Town of Bristol (07-01-0799P).	November 8, 2007; November 15, 2007; <i>The Lincoln County News</i> .	The Honorable Chad Hanna, Chairman, Board of Selectmen, Town of Bristol, P.O. Box 147, Bristol, ME 04539.	October 23, 2007	230215
Massachusetts: Bristol.	Town of Easton (07-01-0531P).	November 9, 2007; November 16, 2007; <i>The Easton Journal</i> .	The Honorable Colleen A. Corona, Chairman, Board of Selectmen, Town of Easton, 136 Elm Street, North Easton, MA 02356.	February 15, 2008	250053
Missouri: Greene	Unincorporated areas of Greene County (07-07-1448P).	November 8, 2007; November 15, 2007; <i>Springfield News-Leader</i> .	The Honorable David Coonrod, Presiding Commissioner, Greene County, 933 North Robberson, Springfield, MO 65802.	February 14, 2008	290782
Missouri: Jackson ...	City of Lee's Summit (07-07-1867P).	November 23, 2007; November 30, 2007; <i>Lee's Summit Journal</i> .	The Honorable Karen Messerli, Mayor, City of Lee's Summit, 220 Southeast Green Street, Lee's Summit, MO 64063.	December 10, 2007	290174
Nebraska: Lancaster	City of Lincoln (07-07-0628P).	November 8, 2007; November 15, 2007; <i>Lincoln Journal Star</i> .	The Honorable Chris Beutler, Mayor, City of Lincoln, 555 South 10th Street, Second Floor, Room 208, Lincoln, NE 68508.	October 24, 2007	315273
Nevada: Clark	Unincorporated areas of Clark County (07-09-1179P).	November 8, 2007; November 15, 2007; <i>Las Vegas Review-Journal</i> .	The Honorable Rory Reid, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89106.	February 14, 2008	320003
Nevada: Washoe	Unincorporated areas of Washoe County (07-09-1314P).	November 14, 2007; November 21, 2007; <i>Reno Gazette-Journal</i> .	The Honorable Robert Larkin, Chair, Washoe County Board of Commissioners, P.O. Box 11130, Reno, NV 89520.	November 30, 2007	320019
New York: Rockland	Town of Clarkstown (07-02-0757P).	November 1, 2007; November 8, 2007; <i>Rockland County Times</i> .	The Honorable Alexander J. Gromack, Supervisor, Town of Clarkstown, 10 Maple Avenue, New City, NY 10956.	April 16, 2008	360679
North Carolina: Wake	Unincorporated areas of Wake County (06-04-C341P).	December 10, 2007; December 17, 2007; <i>The News and Observer</i> .	Mr. David C. Cooke, Manager, Wake County, 337 South Salisbury Street, Suite 1100, Raleigh, NC 27602.	December 3, 2007	370368
Oklahoma: Cleveland	City of Moore (07-06-1082P).	November 8, 2007; November 15, 2007; <i>The Norman Transcript</i> .	The Honorable Glenn Lewis, Mayor, City of Moore, 301 North Broadway, Moore, OK 73160.	February 14, 2008	400044
Oklahoma: Payne	City of Stillwater (07-06-0679P).	November 15, 2007; November 22, 2007; <i>Stillwater NewsPress</i> .	The Honorable Roger L. McMillan, Mayor, City of Stillwater, 723 South Lewis Street, Stillwater, OK 74076.	November 30, 2007	405380

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Oklahoma: Payne	Unincorporated areas of Stillwater County (07-06-0679P).	November 15, 2007; November 22, 2007; <i>Stillwater NewsPress</i> .	The Honorable Gloria A. Hesser, County Commissioner, District No. 2, Stillwater, 315 West Sixth Street, Suite 203, Stillwater, OK 74074.	November 30, 2007	400493
Oklahoma: Tulsa	City of Sand Springs (07-06-2114P).	November 15, 2007; November 22, 2007; <i>Tulsa World</i> .	The Honorable Robert L. Walker, Mayor, City of Sand Springs, P.O. Box 338, Sand Springs, OK 74063.	November 30, 2007	400211
Oklahoma: Tulsa	Unincorporated areas of Tulsa County (07-06-2114P).	November 15, 2007; November 22, 2007; <i>Tulsa World</i> .	The Honorable Randi Miller, Chair, Tulsa County Board of Commissioners, 500 South Denver Avenue, Tulsa, OK 74103.	November 30, 2007	400462
Pennsylvania: Chester.	Township of West Goshen (07-03-1259P).	November 15, 2007; November 22, 2007; <i>Daily Local News</i> .	The Honorable Robert White, Chairman, Board of Supervisors, West Goshen Township, 1025 Paoli Pike, West Chester, PA 19380-4699.	February 21, 2008	420293
Pennsylvania: Montgomery.	Township of Lower Moreland (07-03-0583P).	November 8, 2007; November 15, 2007; <i>The Globe</i> .	The Honorable Kurt G. Mayer, President, Lower Moreland Township Commissioners, 640 Red Lion Road, Huntingdon Valley, PA 19006.	October 24, 2007	420702
Pennsylvania: Montgomery.	Township of Plymouth (07-03-1103P).	November 14, 2007; November 21, 2007; <i>The Times Herald</i> .	The Honorable Alexander Fazzini, Chair, Plymouth Township Council, 700 Belvoir Road, Plymouth Meeting, PA 19462.	February 20, 2008	420955
Puerto Rico: Puerto Rico.	Commonwealth of Puerto Rico (07-02-0993P).	November 15, 2007; November 22, 2007; <i>The San Juan Star</i> .	The Honorable Anibal Acevedo-Vila, Governor of Puerto Rico, P.O. Box 82, La Fortaleza, San Juan, PR 00901.	February 21, 2008	720000
South Carolina: Lexington.	Town of Springdale (07-04-5295P).	November 8, 2007; November 15, 2007; <i>The Lexington County Chronicle</i> .	The Honorable Pat G. Smith, Mayor, Town of Springdale, 2915 Platt Springs Road, Springdale, SC 29170.	October 31, 2007	450138
Texas: Collin	City of McKinney (07-06-1687P).	November 8, 2007; November 15, 2007; <i>McKinney Courier-Gazette</i> .	The Honorable Bill Whitfield, Mayor, City of McKinney, 222 North Tennessee Street, McKinney, TX 75069.	February 14, 2008	480135
Texas: Collin	City of Plano (07-06-0629P).	November 8, 2007; November 15, 2007; <i>Plano Star Courier</i> .	The Honorable Pat Evans, Mayor, City of Plano, 1520 Avenue K, Plano, TX 75074.	October 31, 2007	480140
Texas: Collin	Unincorporated areas of Collin County (07-06-1687P).	November 8, 2007; November 15, 2007; <i>McKinney Courier-Gazette</i> .	The Honorable Keith Self, Collin County Judge, Collin County Government Center, 210 South McDonald Street, Suite 626, McKinney, TX 75069.	February 14, 2008	480130
Texas: Harris	Unincorporated areas of Harris County (07-06-1886P).	November 15, 2007; November 22, 2007; <i>Houston Chronicle</i> .	The Honorable Ed Emmett, Harris County Judge, 1001 Preston, Suite 911, Houston, TX 77002.	February 20, 2008	480287
Texas: Kendall	Unincorporated areas of Kendall County (07-06-0875P).	November 16, 2007; November 23, 2007; <i>The Boerne Star</i> .	The Honorable Eddie John Vogt, Kendall County Judge, Kendall County Courthouse, 201 East San Antonio Street, Boerne, TX 78006.	November 29, 2007	480417
Texas: Tarrant	City of Arlington (07-06-1545P).	October 11, 2007; October 18, 2007; <i>Arlington Star-Telegram</i> .	The Honorable Robert Cluck, Mayor, City of Arlington, 101 West Abram Street, Arlington, TX 76010.	September 28, 2007	485454
Texas: Tarrant	City of Benbrook (07-06-1254P).	November 8, 2007; November 15, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Jerry Dittrich, Mayor, City of Benbrook, 911 Winscott Road, Benbrook, TX 76126.	February 14, 2008	480586
Texas: Tarrant	City of Fort Worth (07-06-1254P).	November 8, 2007; November 15, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Mike J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	February 14, 2008	480596
Texas: Tarrant	City of Fort Worth (07-06-1675P).	November 8, 2007; November 15, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Mike J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	February 14, 2008	480596
Texas: Tarrant	City of Fort Worth (07-06-2141P).	November 8, 2007; November 15, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Michael Moncrief, Mayor, City of Fort Worth, City Hall, 1000 Throckmorton Street, Fort Worth, TX 76102.	February 14, 2008	480596
Texas: Tarrant	City of Fort Worth (07-06-2202P).	October 11, 2007; October 18, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Michael Moncrief, Mayor, City of Fort Worth, City Hall, 1000 Throckmorton Street, Fort Worth, TX 76102.	January 17, 2008	480596
Texas: Tarrant	Unincorporated areas of Tarrant County (07-06-1254P).	November 8, 2007; November 15, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Suite 501, Fort Worth, TX 76196.	February 14, 2008	480582
Texas: Tarrant	Unincorporated areas of Tarrant County (07-06-2141P).	November 8, 2007; November 15, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Glen Whitley, Tarrant County Judge, 100 East Weatherford Street, Suite 501, Fort Worth, TX 76196.	February 14, 2008	480582
Virginia: Montgomery	Unincorporated areas of Montgomery County (07-03-1077P).	November 8, 2007; November 15, 2007; <i>Roanoke Times</i> .	The Honorable Steve L. Spradlin, Chair, Montgomery County Board of Supervisors, 1553 Oilwell Road, Blacksburg, VA 24060.	February 14, 2008	510099
Virginia: Wise	Town of Wise (07-03-1197P).	November 8, 2007; November 15, 2007; <i>The Coalfield Progress</i> .	The Honorable Clifton Carson, Mayor, Town of Wise, P.O. Box 1100, Wise, VA 24293.	February 14, 2008	510179

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Wisconsin: Columbia & Sauk.	City of Wisconsin Dells (07-05-4282P).	November 14, 2007; November 21, 2007; <i>Wisconsin Dells Events</i> .	The Honorable Eric Helland, Mayor, City of Wisconsin Dells, P.O. Box 655, Wisconsin Dells, WI 53965.	November 30, 2007	550065
Wisconsin: Milwaukee.	City of West Allis (07-05-4106P).	November 1, 2007; November 8, 2007; <i>Milwaukee Journal Sentinel</i> .	The Honorable Jeannette Bell, Mayor, City of West Allis, City Hall, Room 123, 7525 West Greenfield Avenue, West Allis, WI 53214.	October 18, 2007	550285
Wyoming: Sweetwater.	City of Rock Springs (07-08-0796P).	September 22, 2007; September 27, 2007; <i>Rock Springs Daily Rocket-Miner</i> .	The Honorable Timothy A. Kaumo, Mayor, City of Rock Springs, 212 D Street, Rock Springs, WY 82901.	October 1, 2007	560051
Wyoming: Sweetwater.	Unincorporated areas of Sweetwater County (07-08-0796P).	September 22, 2007; September 27, 2007; <i>Rock Springs Daily Rocket-Miner</i> .	The Honorable Wally Johnson, Chairman, Sweetwater County, Board of Commissioners, 80 West Flamingo Gorge Way, Green River, WY 82935.	October 1, 2007	560087

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: January 25, 2008.

David I. Maurstad,

Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E8-2380 Filed 2-7-08; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RIN 0648-XF39

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason retention limit adjustment.

SUMMARY: NMFS has determined that the daily Highly Migratory Species (HMS) Angling category retention limits for Atlantic bluefin tuna (BFT) should be adjusted in order to prevent overharvest of the 2008 Angling category quota. Vessels permitted in the HMS Angling and HMS Charter/Headboat categories are eligible to land BFT under the HMS Angling category quota. This action is being taken to meet domestic management objectives for the BFT fishery.

DATES: Effective February 11, 2008, through December 31, 2008.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 978-281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery

Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the Consolidated Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP) (71 FR 58058, October 2, 2006).

The 2008 BFT fishing year began on January 1, 2008, and ends December 31, 2008. The final 2008 BFT quota specifications and effort controls were published on December 31, 2007 (72 FR 74193). These final specifications established an Angling category retention limit of one school BFT (27 inches (68.6 cm) to less than 47 inches (199.4 cm)), and two large school/small medium BFT (i.e., two BFT measuring 47 inches (119.4 cm) to less than 73 inches (185.4 cm)) per vessel per day/trip. NMFS stated in the 2008 final specifications and effort controls that adjustments to the 2008 Angling category quotas and retention limits may be necessary once complete estimates from the Large Pelagics Survey (LPS) for the 2007 fishing year were available.

Final LPS 2007 fishing year estimates of the number of fish landed are now available, although mean weight estimates for each size class will not be available until late spring to calculate total landings (weight) and for comparison of landings to available subquotas. Pending availability of final average weight calculations from the 2007 fishing year, NMFS is proceeding with use of the average of 2004-2006 mean weights as proxies for 2007 mean weights, to reflect recent fishery conditions and reduce the effect of inter-annual variability of fish size that may result from varying retention limits,

weather conditions, etc. This methodology results in recreational estimates, including LPS estimates and NC BFT Census Tagging Program data, of 100.9 mt of school BFT, 256.3 mt of large school BFT, and 105.7 mt of small medium BFT. Note that the final LPS estimates (in number of fish) indicate a substantial overharvest of the large school/small medium BFT subquota regardless of the reference time frame selected for use of proxy mean weights to calculate the final recreational landings (in tonnage). The estimated landings of large school/small medium BFT (362 mt) were more than twice the allocated subquota for that size range (144 mt). With total estimated recreational landings of 464.1 mt, the total Angling category quota of 269.2 mt also has been exceeded. However, due to the magnitude of the underharvest of the total available quota (which, for 2007, was 1,629 mt), no quota redistribution for the 2007 fishing year is necessary, nor is any adjustment of the Angling category quota for 2008. Specifically, total commercial and recreational landings for the 2007 fishing year were 656.7 mt, resulting in an underharvest of 997.5 mt, which exceeds substantially the amount the United States was allowed to carry forward to the 2008 fishing year (i.e., 595 mt, one half of the U.S. base quota).

Despite the availability of overall quota, it is necessary for NMFS to use this best available information to take prompt action to avoid overharvest in 2008, to remain in accordance with the Consolidated HMS FMP and implement quota specifications, and address concern for the biological impact of overharvesting smaller size classes of BFT on the stock, which is classified as overfished. Therefore, to reduce large school/small medium BFT landings for 2008, NMFS is taking action through an inseason retention limit adjustment, described below.

Under § 635.23(b)(3), NMFS may increase or decrease the HMS Angling