

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
	At Southern point of Vinalhaven Island opposite Carvers Island.	+18	

* National Geodetic Vertical Datum.

Depth in feet above ground.

+ North American Vertical Datum.

ADDRESSES

Maps are available for inspection at the Town of Vinalhaven, Town Office, West Main, Vinalhaven, Maine 04863.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: January 5, 2007.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 060216045-6045-01; I.D. 010807B]

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 Aleutian Islands Atka Mackerel Total Allowable Catch Amounts

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: NMFS is adjusting the annual total allowable catch amount (TAC) for the Central and Western Aleutian District Atka mackerel fisheries. This action is necessary because NMFS has determined these TACs are incorrectly specified. This action will ensure the A and B season harvests of Central and Western Aleutian District Atka mackerel do not exceed the appropriate amount based on the best available scientific information for Atka mackerel in the Aleutian Islands subarea. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP).

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 12, 2007, through 2400 hrs, A.l.t., April 15, 2007, unless otherwise modified or superseded through publication of a notification in the **Federal Register**. Comments must be received at the following address no later than 4:30 p.m., A.l.t., January 29, 2007.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by:

- Mail to: P.O. Box 21668, Juneau, AK 99802;
- Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, Alaska;
- FAX to 907-586-7557;
- E-mail to AIATKAMACK-TAC07@noaa.gov and include the subject line of the e-mail comment the document identifier: AIATKAMACK-TAC07 (E-mail comments, with or without attachments, are limited to 5 megabytes); or
- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (BSAI) according to the FMP prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2007 TAC of Atka mackerel in the Central Aleutian District of the BSAI is 38,000 metric tons (mt) as established by the 2006 and 2007 harvest specification for groundfish in the BSAI

(71 FR 19894, March 3, 2006). In accordance with § 679.20(a)(8)(ii), the 2007 A and B season allowances of Atka mackerel in the Central Aleutian District of the BSAI are each 17,575 mt, and the 2007 A and B season Harvest Limit Area (HLA) limits of Atka mackerel in the Central Aleutian District of the BSAI are each 10,545 mt.

The 2007 TAC of Atka mackerel in the Western Aleutian District of the BSAI is 17,500 mt as established by the 2006 and 2007 harvest specification for groundfish in the BSAI (71 FR 19894, March 3, 2006). In accordance with § 679.20(a)(8)(ii), the 2007 A and B season allowances of Atka mackerel in the Western Aleutian District of the BSAI are each 8,750 mt, and the 2007 A and B season Harvest Limit Area (HLA) limits of Atka mackerel in the Western Aleutian District of the BSAI are each 5,250 mt.

In December 2006, the Council recommended a 2007 Atka mackerel TAC of 29,600 mt for the Central Aleutian District and 9,600 mt for the Western Aleutian District. These amounts are less than the TACs as established by the 2006 and 2007 harvest specification for groundfish in the BSAI (71 FR 19894, March 3, 2006). The TACs recommended by the Council are based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2006, which NMFS has determined is the best available scientific information for this fishery.

Steller sea lions occur in the same location as the Aleutian Islands Atka mackerel fishery and are listed as endangered under the Endangered Species Act (ESA). Atka mackerel is a principal prey species for Steller sea lions in the Aleutian Islands subarea. The seasonal apportionment of Atka mackerel harvest is necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. The regulations at § 679.20(a)(ii)(8)(A) require the Atka

mackerel TAC specified for each subarea or district of the BSAI to be divided equally, after subtraction of the jig gear allocation and reserves, into two seasonal allowances corresponding to the A and B seasons defined at § 679.23(e)(3).

In accordance with § 679.25(a)(2)(i)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the November 2006 SAFE report for this fishery, the current

Central and Western Aleutian District Atka mackerel TACs are incorrectly specified. Consequently, the Regional Administrator is adjusting the 2007 Atka mackerel TAC to 29,600 mt in the Central Aleutian District and 9,600 mt in the Western Aleutian District of the BSAI. In accordance with § 679.20(a)(8)(ii) the 2007 A and B season apportionments for Atka mackerel after deducting the CDQ reserve are each adjusted to 13,690 mt in the Central Aleutian District and

4,440 mt in the Western Aleutian District of the BSAI. Consequently, the 2007 A and B season HLA limits are each adjusted to 8,214 mt for the Central Aleutian District and 2,664 mt for the Western Aleutian District of the BSAI.

Pursuant to § 679.20(a)(8), Tables 4, 12, and 14 of the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) are revised for the 2007 Atka mackerel TACs consistent with this adjustment.

TABLE 4—2006 AND 2007 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, AND CDQ RESERVE OF THE BSAI ATKA MACKEREL TAC¹

[Amounts are in metric tons]

Subarea and component	2006 TAC	2006 CDQ reserve	2006 CDQ reserve HLA limit ⁴	2006 ITAC	2006 Seasonal allowances ²			
					A season ³		B season ³	
					Total	HLA limit ⁴	Total	HLA limit ⁴
Western AI District	15,500	1,163	698	14,338	7,169	4,301	7,169	4,301
Central AI District	40,000	3,000	1,800	37,000	18,500	11,100	18,500	11,100
EAI/BS subarea ⁵	7,500	563	n/a	6,938	n/a	n/a	n/a	n/a
Jig (1%) ⁶	n/a	n/a	n/a	69	n/a	n/a	n/a	n/a
Other gear (99%)	n/a	n/a	n/a	6,868	3,434	n/a	3,434	n/a
Total	63,000	n/a	n/a	n/a	29,103	n/a	29,103	n/a
Western AI District	9,600	720	432	8,880	4,440	2,664	4,440	2,664
Central AI District	29,600	2,220	1,332	27,380	13,690	8,214	13,690	8,214
EAI/BS subarea ⁵	7,500	563	n/a	6,938	n/a	n/a	n/a	n/a
Jig (1%) ⁶	n/a	n/a	n/a	69	n/a	n/a	n/a	n/a
Other gear (99%)	n/a	n/a	n/a	6,868	3,434	n/a	3,434	n/a
Total	46,700	n/a	n/a	n/a	21,564	10,878	21,564	10,878

¹ Regulations at §§ 679.20(a)(8)(ii) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

² The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

³ The A season is January 1 (January 20 for trawl gear) to April 15 and the B season is September 1 to November 1.

⁴ Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2006 and 2007, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

⁵ Eastern Aleutian District and the Bering Sea subarea.

⁶ Regulations at § 679.20 (a)(8)(i) require that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea ITAC be allocated to jig gear. The amount of this allocation is 1 percent. The jig gear allocation is not apportioned by season.

TABLE 12—2006 AND 2007 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area	1995 - 1997			2006 ITAC available to trawl C/Ps	2006 C/P sideboard limit	2007 ITAC available to trawl C/Ps	2007 C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Pacific cod trawl	BSAI	12,424	48,177	0.258	42,171	10,880	32,171	8,300
Sablefish trawl	BS	8	497	0.016	1,199	19	1,148	18
	AI	0	145	0.000	638	0	582	0
Atka mackerel	Central AI	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	A season ¹	n/a	n/a	0.115	18,500	2,128	13,690	1,574
	HLA limit ²	n/a	n/a	n/a	11,100	1,277	8,214	945
	B season ¹	n/a	n/a	0.115	18,500	2,128	13,690	1,574
	HLA limit ²	n/a	n/a	n/a	11,100	1,277	8,214	945
	Western AI	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	A season ¹	n/a	n/a	0.200	7,169	1,434	4,440	888
	HLA limit ²	n/a	n/a	n/a	4,301	860	2,664	533
	B season ¹	n/a	n/a	0.200	7,169	1,434	4,440	888
	HLA limit ²	n/a	n/a	n/a	4,301	860	2,664	533
Yellowfin sole	BSAI	100,192	435,788	0.230	81,346	18,710	91,495	21,044
Rock sole	BSAI	6,317	169,362	0.037	35,275	1,305	37,400	1,384

TABLE 12—2006 AND 2007 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Target species	Area	1995 - 1997			2006 ITAC available to trawl C/Ps	2006 C/P sideboard limit	2007 ITAC available to trawl C/Ps	2007 C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Greenland turbot	BS	121	17,305	0.007	1,607	11	1,543	11
	AI	23	4,987	0.005	723	4	693	3
Arrowtooth flounder	BSAI	76	33,987	0.002	11,050	22	15,300	31
Flathead sole	BSAI	1,925	52,755	0.036	16,575	597	18,700	673
Alaska plaice	BSAI	14	9,438	0.001	6,800	7	12,750	13
Other flatfish	BSAI	3,058	52,298	0.058	2,975	173	4,250	247
Pacific ocean perch	BS	12	4,879	0.002	1,190	2	2,516	5
	Eastern AI	125	6,179	0.020	2,849	57	3,012	60
	Central AI	3	5,698	0.001	2,808	3	2,971	3
	Western AI	54	13,598	0.004	4,703	19	4,969	20
Northern rockfish	BSAI	91	13,040	0.007	4,163	29	4,625	32
Shortraker rockfish	BSAI	50	2,811	0.018	537	10	537	10
Rougheye rockfish	BSAI	50	2,811	0.018	207	4	207	4
Other rockfish	BS	18	621	0.029	426	12	750	22
	AI	22	806	0.027	502	14	502	14
Squid	BSAI	73	3,328	0.022	1,084	24	1,084	24
Other species	BSAI	553	68,672	0.008	24,650	197	22,950	184

¹ The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

² Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2006 and 2007, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

TABLE 14—2006 AND 2007 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS

[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995-1997 AFA CV catch to 1995 1997 TAC	2006 initial TAC	2006 Catcher vessel sideboard limits	2007 initial TAC	2007 Catcher vessel sideboard limits
Pacific cod	BSAI	n/a	n/a	n/a	n/a	n/a
	Jig gear	0.0000	3,589	0	2,738	0
	Hook-and-line CV	n/a	n/a	n/a	n/a	n/a
	Jan 1 - Jun 10	0.0006	164	0	125	0
	Jun 10 - Dec 31	0.0006	109	0	83	0
	Pot gear CV	n/a	n/a	n/a	n/a	n/a
	Jan 1 - Jun 10	0.0006	8,192	5	6,239	4
	Sept 10 - Dec 31	0.0006	5,461	3	4,159	2
	CV < 60 feet LOA	0.0006	1,274	1	970	1
	using hook-and-line or pot gear					
	Trawl gear CV	n/a	n/a	n/a	n/a	n/a
	Jan 20 - Apr 1	0.8609	29,520	25,414	22,520	19,387
	Apr 1 - Jun 10	0.8609	4,217	3,630	3,217	2,770
	Jun 10 - Nov 1	0.8609	8,434	7,261	6,434	5,539
Sablefish	BS trawl gear	0.0906	1,199	109	1,148	104
	AI trawl gear	0.0645	638	41	582	38
Atka mackerel	Eastern AI/BS	n/a	n/a	n/a	n/a	n/a
	Jig gear	0.0031	69	0	69	0
	Other gear	n/a	n/a	n/a	n/a	n/a
	Jan 1 - Apr 15	0.0032	3,434	11	3,434	11
	Sept 1 - Nov 1	0.0032	3,434	11	3,434	11
	Central AI	n/a	n/a	n/a	n/a	n/a
	Jan - Apr 15	0.0001	18,500	2	13,690	1
	HLA limit	0.0001	11,100	1	8,214	1
	Sept 1 - Nov 1	0.0001	18,500	2	13,690	1
	HLA limit	0.0001	11,100	1	8,214	1
	Western AI	n/a	n/a	n/a	n/a	n/a
	Jan - Apr 15	0.0000	7,169	0	4,440	0
	HLA limit	n/a	4,301	0	2,664	0
	Sept 1 - Nov 1	0.0000	7,169	0	4,440	0
	HLA limit	n/a	4,301	0	2,664	0
Yellowfin sole	BSAI	0.0647	81,346	5,263	91,495	5,920

TABLE 14—2006 AND 2007 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS—Continued

[Amounts are in metric tons]

Species	Fishery by area/season/ processor/gear	Ratio of 1995- 1997 AFA CV catch to 1995 1997 TAC	2006 initial TAC	2006 Catcher vessel sideboard lim- its	2007 initial TAC	2007 Catcher vessel sideboard lim- its
Rock sole	BSAI	0.0341	35,275	1,203	37,400	1,275
Greenland Turbot	BS	0.0645	1,607	104	1,543	100
	AI	0.0205	723	15	693	14
Arrowtooth flounder	BSAI	0.0690	11,050	762	15,300	1,056
Alaska plaice	BSAI	0.0441	6,800	300	12,750	562
Other flatfish	BSAI	0.0441	2,975	131	4,250	187
Pacific ocean perch	BS	0.1000	1,190	119	2,516	252
	Eastern AI	0.0077	2,849	22	3,012	23
	Central AI	0.0025	2,808	7	2,971	7
	Western AI	0.0000	4,703	0	4,969	0
Northern rockfish	BSAI	0.0084	4,163	35	4,625	39
Shortraker rockfish	BSAI	0.0037	537	2	537	2
Rougheye rockfish	BSAI	0.0037	207	1	207	1
Other rockfish	BS	0.0048	426	2	750	4
	AI	0.0095	502	5	502	5
Squid	BSAI	0.3827	1,084	415	1,084	415
Other species	BSAI	0.0541	24,650	1,334	22,950	1,242
Flathead Sole	BS trawl gear	0.0505	16,575	837	18,700	944

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and 679.25(c)(2) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would allow for

harvests that exceed the appropriate A and B season apportionments for Atka mackerel based on the best scientific information available. The Atka mackerel fishery is harvested rapidly and completely in the early part of the A season. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 13, 2006, and additional time for prior public comment would result in conservation concerns for the ESA-listed Steller sea lions.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon

the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until January 29, 2007.

This action is required by § 679.22 and is exempt from review under Executive Order 12866.

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

Dated: January 8, 2007.

James P. Burgess,
Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.
[FR Doc. 07-107 Filed 1-9-07; 2:49 pm]

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