

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 060525140-6221-02]

RIN 0648-XG34

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Withdrawal of Trip Limit Reduction

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

ACTION: Temporary rule; withdrawal of trip limit reduction.

SUMMARY: NMFS withdraws the reduction of the commercial trip limit for golden tilefish in the South Atlantic to 300 lb (136 kg) per trip in or from the exclusive economic zone (EEZ) that was published in the **Federal Register** on March 28, 2008. Based on updated information, NMFS has determined that the threshold level for implementation of the trip limit will not have been reached by April 6 as originally projected.

DATES: The rule published on March 28, 2008 (73 FR 16571) is withdrawn as of April 2, 2008.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone 727-824-5305, fax 727-824-5308, e-mail susan.gerhart@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic is managed under the Fishery Management Plan for the Snapper-Grouper Resources of the South Atlantic (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Under 50 CFR 622.44(c)(2), NMFS is required to reduce the trip limit in the commercial fishery for golden tilefish from 4,000 lb (1,814 kg) to 300 lb (136 kg) per trip when 75 percent of the fishing year quota is met, by filing a notification to that effect in the **Federal Register**. Based on reports through February, NMFS determined that 75 percent of the available commercial quota of 295,000 lb (133,810 kg), gutted weight, for golden tilefish would be reached on or before April 6, 2008. Accordingly, NMFS published a trip

limit reduction (73 FR 16571, March 28, 2008) reducing the commercial golden tilefish trip limit to 300 lb (136 kg) in the South Atlantic EEZ from 12:01 a.m., local time, on April 6, 2008 through December 31, 2008, unless changed by further notification in the **Federal Register**. However, a new report including March landings indicated that 75 percent of the quota would not be reached by that date due to unexpected decreases in fishing effort and reporting errors. Therefore, NMFS is withdrawing the trip limit reduction, will continue monitoring the fishery, and will publish a new trip limit reduction in the **Federal Register** when 75 percent of the applicable quota is projected to be reached.

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) as such prior notice and opportunity for public comment is contrary to the public interest. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to avoid an unnecessary regulatory restriction and the associated adverse social and economic impacts. Prior notice and opportunity for public comment would require time and would potentially result in economic loss to participants in the fishery. For these same reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: April 2, 2008.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 071211828-8448-02]

RIN 0648-XG90

Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the commercial and non-commercial fisheries in the Main Hawaiian Islands fishery for seven deepwater bottomfish species ("Deep 7" bottomfish) as a result of reaching the total allowable catch (TAC) for the 2007-08 fishing year.

DATES: Effective April 16, 2008 through August 31, 2008.

FOR FURTHER INFORMATION CONTACT:

Karla Gore, NMFS Pacific Islands Region, 808-944-2273.

SUPPLEMENTARY INFORMATION:

Bottomfish fishing in Hawaii is managed under the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish FMP), developed by the Western Pacific Fishery Management Council (Council) and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the Bottomfish FMP appear at 50 CFR part 665 and at subpart H of 50 CFR part 600.

The regulations at § 665.72 authorize NMFS and the Council to set a TAC limit for Deep 7 bottomfish for the fishing year, based on the best available scientific, commercial, and other information, and taking into account the associated risk of overfishing. The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapu'upu'u (*Epinephelus quernus*).

When the TAC limit for the year is projected to be reached, the Regional Administrator is required to publish notification that the fishery will be closed beginning on a specified date (not earlier than 14 days after the date of filing the closure notice for public inspection at the Office of the **Federal Register**) until the end of the fishing

year in which the TAC is reached. During the closure, no person may fish for, possess, or sell any Deep 7 bottomfish in the Main Hawaiian Islands, except as otherwise authorized by law. Specifically, fishing for, and the resultant possession or sale of, Deep 7 bottomfish by vessels legally registered to Mau Zone, Ho omalu Zone, or Pacific Remote Island Areas bottomfish fishing permits, and conducted in compliance with all other laws and regulations, are not affected by this closure. There is no prohibition on fishing for or selling other non-Deep 7 bottomfish species throughout the year.

The TAC for the 2007–08 fishing year was established by the Council at

178,000 lb (80,740 kg) of Deep 7 bottomfish. Progress toward the 2007–08 TAC is monitored using information reported by holders of State of Hawaii commercial marine licenses (State CML) through monthly catch reports submitted to the State. Based on this information, the NMFS Pacific Islands Fisheries Science Center projected that the TAC for the 2007–08 fishing year will be reached on April 17, 2008. In accordance with § 665.72(c), this document serves as a 14 day advance notification to fishermen, the fishing industry, and the general public that the Main Hawaiian Islands Deep 7 bottomfish fishery will be closed from

April 17, 2008, through the remainder of the fishing year. The 2008–09 fishing year will begin on September 1, 2008, and the TAC for the 2008–09 fishing year will be published in the **Federal Register** by August 31, 2008.

This action is required by § 665.72(c) and is exempt from review under Executive Order 12866.

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

Dated: April 2, 2008.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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