

Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

We published a notice of proposed rulemaking (NPRM) in the **Federal Register** on February 12, 2009 (74 FR 7022), entitled “Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington.” In it we stated that we did not plan to hold a public meeting, but that we welcomed requests explaining why one would be beneficial (74 FR 7023). We received several such requests and have already held two public meetings in Astoria and Newport, Oregon (74 FR 16814, Apr. 13, 2009). Due to several requests for a meeting in southern Oregon we have concluded that a third public meeting would aid this rulemaking. Therefore, we are publishing this notice.

In the NPRM, we proposed to establish Regulated Navigation Areas (RNA) covering specific bars along the coasts of Oregon and Washington that will include procedures for restricting and/or closing those bars as well as additional safety requirements for recreational and small commercial vessels operating in the RNAs. The RNAs are necessary to help ensure the safety of the persons and vessels operating in those hazardous bar areas. The RNAs will do so by establishing clear procedures for restricting and/or closing the bars and mandating additional safety requirements for recreational and small commercial vessels operating in the RNAs when certain conditions exist. On May 8, 2009 (74 FR 21564), we published a notice reopening the public comment period to June 30, 2009.

You may view the NPRM in our online docket, in addition to supporting documents prepared by the Coast Guard, including an “Environmental Analysis Checklist”, RNA Fact Sheets for recreational, passenger, and commercial fishing vessels, and comments submitted thus far by going to <http://www.regulations.gov>. Once there, select the Advanced Docket Search option on the right side of the screen, insert USCG–2008–1017 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the Thirteenth Coast Guard District, Prevention Division, Inspections and Investigations Branch

in Room 3506 on the 35th floor of the Jackson Federal Building, 915 Second Avenue, Seattle, WA 98174, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

We encourage you to participate in this rulemaking by submitting comments either orally at the meeting or in writing. If you bring written comments to the meeting, you may submit them to Coast Guard personnel specified at the meeting to receive written comments. These comments will be submitted to the online public docket. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Comments submitted after the meeting must reach the Coast Guard on or before June 30, 2009. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility.

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LCDR Emily Saddler at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Meeting

The Coast Guard will hold a public meeting regarding its “Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington” proposed rule on Tuesday, June 2, 2009, from 6 p.m. to 9 p.m., at The Red Lion Hotel, 1313 N. Bayshore Drive, Coos Bay, OR 97420, telephone 541–267–4141.

We plan to have an official transcript of the meeting prepared and will make that transcript available through a link in the online docket.

Dated: May 7, 2009.

J.P. Currier,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. E9–11564 Filed 5–15–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1040]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents, and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 17, 2009.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community are available for inspection at the community’s map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1040, to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151, or (e-mail) bill.blanton@dhs.gov.

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

Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151 or (e-mail) *bill.blanton@dhs.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and 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 other Federal, State, or regional entities. These proposed elevations are used to

meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed 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.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 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.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)	
				Existing	Modified
City of Burnside, Kentucky					
Kentucky	City of Burnside	Lake Cumberland	Entire shoreline	None	+749

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Burnside

Maps are available for inspection at 7929 South Highway 27, Burnside, KY 42519.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Fairfield County, Connecticut, and Incorporated Areas				
East Swamp Brook	Entire reach within City of Danbury	None	+293	City of Danbury.
Farmill River	Entire reach within Town of Stratford	None	+14	Town of Stratford.
	Entire reach within Town of Stratford	None	+70	
Five Mile River	At upstream side of Old Rock Lane	+141	+139	City of Norwalk.
	Approximately 750 feet upstream of Old Rock Lane ...	+142	+139	
Horse Tavern Brook	At upstream side of Park Avenue	+129	+132	City of Bridgeport.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Horse Tavern Brook	Approximately 670 feet upstream of Park Avenue	+131	+132	Town of Trumbull.
	Approximately 1,580 feet upstream of Old Town Road	None	+239	
	Approximately 1,820 feet upstream of Old Town Road	None	+240	
	Approximately 470 feet upstream of Old Town Road ..	+236	+238	
	Approximately 1,070 feet upstream of Old Town Road	+238	+239	
Housatonic River	Approximately 2,775 feet upstream of Merritt Parkway	+13	+14	Town of Stratford.
	Approximately 3,650 feet upstream of Merritt Parkway	+13	+14	
Housatonic River	At confluence of Halfway River	None	+108	Town of Newtown.
	Approximately 15,800 feet upstream of confluence of Halfway River.	None	+108	
Laurel Brook	Approximately 320 feet upstream of confluence with Rippowam River (Upper Reach).	+244	+245	City of Stamford.
Mianus River	Approximately 40 feet upstream of Laurel Road	+279	+274	Town of Greenwich.
	At upstream side of Valley Road	+72	+73	
Noroton River	Approximately 270 feet upstream of Valley Road	+72	+73	Town of Darien, City of Stamford.
	Approximately 1,860 feet downstream of State Route 15.	None	+117	
	Approximately 1,040 feet downstream of State Route 15.	None	+117	
Norwalk River	Entire reach within Town of Weston	None	+302	Town of Weston.
Norwalk River	Approximately 2,740 feet upstream of U.S. Route 7 ...	None	+367	Town of Ridgefield.
	Approximately 3,500 feet upstream of U.S. Route 7 ...	None	+373	
Rippowam River (Upper Reach).	Approximately 290 feet downstream of Cascade Road	+227	+228	Town of New Canaan.
	Approximately 3,360 feet upstream of Cascade Road	+242	+243	
Rooster River	At upstream side of Railroad	+16	+15	Town of Fairfield.
	At downstream side of Brooklawn Avenue	+20	+19	
Terehaute Brook	Entire reach within City of Danbury	None	+367	City of Danbury.
	Entire reach within City of Danbury	None	+373	
Tributary O at Intervale Road	Entire reach within Town of Stratford	None	+140	Town of Stratford.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

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Send comments to William R. Blanton, Jr., Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Bridgeport

Maps are available for inspection at the City of Bridgeport Zoning Office, 45 Lyon Terrace, Bridgeport, CT.

City of Danbury

Maps are available for inspection at Danbury City Hall, Engineering Department, 155 Deer Hill Avenue, Danbury, CT.

City of Norwalk

Maps are available for inspection at Norwalk City Hall, Planning and Zoning Department, 125 East Avenue, Room 223, Norwalk, CT.

City of Stamford

Maps are available for inspection at the City of Stamford Environmental Protection Board, 888 Washington Boulevard, 7th Floor, Stamford, CT.

Town of Darien

Maps are available for inspection at the Darien Town Hall, 2 Renshaw Road, Darien, CT.

Town of Fairfield

Maps are available for inspection at the Town of Fairfield Engineering Department, Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

Town of Greenwich

Maps are available for inspection at the Greenwich Town Hall, Planning and Zoning Department, 101 Field Point Road, Greenwich, CT.

Town of New Canaan

Maps are available for inspection at the New Canaan Town Hall, Office of the Town Clerk, 77 Main Street, New Canaan, CT.

Town of Newtown

Maps are available for inspection at the Town of Newtown Land Use Agency, 31 Pecks Lane, Newtown, CT.

Town of Ridgefield

Maps are available for inspection at the Ridgefield Town Hall Annex, Planning and Zoning Department, 66 Prospect Street, Ridgefield, CT.

Town of Stratford

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Maps are available for inspection at the Stratford Town Hall, Planning and Zoning Department, 2725 Main Street, Stratford, CT.

Town of Trumbull

Maps are available for inspection at the Trumbull Town Hall, Engineering Department, 5866 Main Street, Trumbull, CT.

Town of Weston

Maps are available for inspection at the Weston Town Hall, Office of the Town Clerk, 56 Norfield Road, Weston, CT.

Clinton County, Kentucky, and Incorporated Areas

Cumberland River	Approximately 2,300 feet downstream of the confluence with Tearcoat Creek.	None	+568	Unincorporated Areas of Clinton County.
	Approximately 2,300 feet upstream of the confluence with Millers Creek.	None	+571	
Dale Hollow Lake (Wolf River).	At the confluence with Wolf River	None	+663	Unincorporated Areas of Clinton County.
	Approximately 1,800 feet upstream of the confluence with Spring Creek.	None	+663	
Lake Cumberland	Just upstream of Wolf Creek Dam	None	+760	Unincorporated Areas of Clinton County.
	At confluence with Otter Creek	None	+760	

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ADDRESSES

Unincorporated Areas of Clinton County

Maps are available for inspection at 100 South Cross Street, Albany, KY 42602.

Russell County, Kentucky, and Incorporated Areas

Cumberland River	Approximately 3,700 feet downstream of the confluence with Lester Creek.	None	+565	Unincorporated Areas of Russell County.
	Just downstream of Wolf Creek Dam	None	+577	
Lake Cumberland	Just upstream of Wolf Creek Dam	+750	+760	Unincorporated Areas of Russell County, City of Jamestown.
	Just downstream of the confluence with Thomas Branch.	+750	+760	

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ADDRESSES

City of Jamestown

Maps are available for inspection at 202 Monument Square, Jamestown, KY 42629.

Unincorporated Areas of Russell County

Maps are available for inspection at One Public Square, Jamestown, KY 42629.

Allen Parish, Louisiana, and Incorporated Areas

Beaver Creek	Approximately 7,218 feet downstream of 16th Street ..	None	+117	City of Oakdale.
	Approximately 575 feet downstream of 16th Street	None	+119	
Bunch Creek	Intersection of Martin Tram Road and Bunchy Creek	None	+37	Unincorporated Areas of Allen Parish.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Calcasieu River	Approximately 3,097 feet upstream of Route 190	None	+38	City of Oakdale.
	Approximately 341 feet upstream of unnamed creek ..	None	+106	
	Intersection of unnamed creek and Union Pacific Railroad.	None	+107	
Gilley Gully	Approximately 1,539 feet downstream of Martin Tram Road.	None	+35	Unincorporated Areas of Allen Parish.
	Approximately 4,613 feet upstream of Martin Tram Road.	None	+36	
Whisky Chitto Creek	Approximately 10,369 feet upstream of confluence with Calcasieu River and Whisky Chitto Creek.	None	+41	Unincorporated Areas of Allen Parish.
	Approximately 6,544 feet upstream of confluence with Calcasieu River and Whisky Chitto Creek.	None	+41	

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+ North American Vertical Datum.

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ADDRESSES

City of Oakdale

Maps are available for inspection at 333 East 6th Avenue, Oakdale, LA 71463.

Unincorporated Areas of Allen Parish

Maps are available for inspection at the Allen Parish Police Jury Office, 602 Court Street, Oberlin, LA 70655.

St. Landry Parish, Louisiana, and Incorporated Areas

Bayou Belleview	Approximately 330 feet downstream of George Street	None	+68	Unincorporated Areas of St. Landry Parish.
Bayou Tesson	Approximately 125 feet upstream of Gulino Street	None	+70	Unincorporated Areas of St. Landry Parish, City of Opelousas.
	Approximately 450 feet upstream of Caddo Street	None	+68	
Flooding Effects of Unnamed Canal/Ditch.	Approximately 100 feet upstream of Park Street	None	+70	Town of Port Barre.
	Approximately 350 feet East of Palm Street	None	+25	
	Approximately 1,800 feet West of State Highway 741 and 25 Feet North of Highway 190.	None	+25	

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ADDRESSES

City of Opelousas

Maps are available for inspection at 318 North Court Street, Opelousas, LA 70570.

Town of Port Barre

Maps are available for inspection at P.O. BOX 219, 504 Saizan Avenue, Port Barre, LA 70577.

Unincorporated Areas of St. Landry Parish

Maps are available for inspection at P.O. Drawer 1550, 308 West Bloch Street, Opelousas, LA 70571.

St. Martin Parish, Louisiana, and Incorporated Areas

Bayou Peyronnet	2.27 miles upstream of the confluence with Bayou Berard.	None	*13	Unincorporated Areas of St. Martin Parish.
	2.08 miles upstream of the confluence with Bayou Berard.	None	+13	

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Bayou Teche	1,900 feet upstream of Smede Highway	None	+15	Unincorporated Areas of St. Martin Parish.
WABPL Borrow Pit (Above Henderson).	2.08 miles upstream of Bridge Street	None	+21	Unincorporated Areas of St. Martin Parish.
	1,000 feet downstream of Potato Shed Road	+14	+16	
WABPL Borrow Pit (Below Henderson).	1.25 miles upstream of Potato Shed Road	+14	+17	Unincorporated Areas of St. Martin Parish.
	2,500 feet upstream of the confluence with Berard Canal.	+14	+12	
	4,500 feet upstream of the confluence with Berard Canal.	+14	+12	

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ADDRESSES

Unincorporated Areas of St. Martin Parish

Maps are available for inspection at 303 West Port Street, St. Martinsville, LA 70582.

Terrebonne Parish, Louisiana, and Incorporated Areas

Bayou Sauvour	At the intersection of Bayou Sauvour and Savanne Road.	None	+5	Unincorporated Areas of Terrebonne Parish.
	At the intersection of Bayou Sauvour and Isle of Cuba Road.	None	+10	

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ADDRESSES

Unincorporated Areas of Terrebonne Parish

Maps are available for inspection at P.O. Box 6097, 8026 Main Street/HWY 24, RM 40, Houma, LA 70361.

Madison County, Ohio, and Incorporated Areas

Little Darby Creek	30,610 feet upstream from confluence of Little Darby Creek and Darby Creek.	None	+881	Village of West Jefferson.
	38,850 feet upstream from confluence of Little Darby Creek and Darby Creek.	None	+894	

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ADDRESSES

Village of West Jefferson

Maps are available for inspection at 28 East Main Street, West Jefferson, OH 43612.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Nelson County, Virginia, and Incorporated Areas				
Davis Creek	Approximately 983 feet upstream from the confluence with Rockfish River.	None	+538	Unincorporated Areas of Nelson County.
East Branch Hat Creek	Approximately 150 feet downstream from Perry Lane Approximately 215 feet upstream from the confluence with Hat Creek.	None None	+862 +674	
Hat Creek	At the intersection of Shaeffers Hollow Lane Approximately 730 feet upstream from the confluence with Tye River.	None None	+802 +648	Unincorporated Areas of Nelson County.
Muddy Creek	Approximately 610 feet downstream from East Branch Loop. Approximately 544 feet upstream from the confluence with Davis Creek.	None None	+790 +550	
Rockfish River	Approximately 160 feet downstream from Anderson Lane. Approximately 400 feet downstream from the confluence with Ivy Creek.	None None	+689 +399	Unincorporated Areas of Nelson County.
Tye River	Approximately 2,200 feet downstream from Laurel Road. Approximately 1,186 feet downstream from Rock Spring Road. Approximately 477 feet downstream from the confluence with South Fork Rockfish River.	None None None	+458 +477 +588	
	At the intersection of Tye Brook Highway	None	+604	Unincorporated Areas of Nelson County.
	Approximately 2,300 feet downstream from the confluence with Hat Creek.	None	+641	
	Approximately 1,200 feet upstream from the confluence with Unnamed Tributary No. 6 to Tye River.	None	+734	
	Approximately 1,941 feet downstream from Carter Hill Road.	None	+821	
	Approximately 2,100 feet upstream from State Route 682.	None	+892	
	Approximately at the confluence with North Fork Tye River.	None	+1141	

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+ North American Vertical Datum.

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ADDRESSES

Unincorporated Areas of Nelson County

Maps are available for inspection at 80 Front Street, Lovingston, VA 22949.

Dated: May 8, 2009.

Deborah S. Ingram,

Acting Deputy Assistant Administrator for Mitigation, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9-11514 Filed 5-15-09; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 071220873-7862-01]

RIN 0648-AS25

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish; Amendment 1

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 1 to the Tilefish Fishery Management Plan (FMP). The proposed measures are intended to address issues and problems that have been identified since the FMP was first implemented. These measures are intended to achieve the management objectives of the FMP, and include measures to implement an Individual Fishing Quota (IFQ) program.

DATES: Comments must be received no later than 5 p.m., eastern standard time, on July 2, 2009.

ADDRESSES: You may submit comments, identified by 0648-AS25, by any one of the following methods:

- Mail: Regional Administrator, Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments on Tilefish Amendment 1 Proposed Rule."
- Fax: (978) 281-9135.
- Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or

protected information. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Written comments regarding the burden-hour estimate or other aspects of the collection-of-information requirement contained in this proposed rule should be submitted to the Regional Administrator at the address above and by e-mail to David_Rostker@omb.eop.gov, or fax to 202-395-7285.

Copies of supporting documents, including the Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. A copy of the RIR/IRFA is accessible via the Internet at <http://www.nero.noaa.gov/>.

FOR FURTHER INFORMATION CONTACT: Timothy A. Cardiasmenos, Fishery Policy Analyst, 978-281-9204.

SUPPLEMENTARY INFORMATION:

Background

In March 2004, the Mid-Atlantic Fishery Management Council (Council) began development of Amendment 1 to the FMP to evaluate alternatives for a limited access privilege program (LAPP) and other measures for limited access tilefish vessels. The Council held 17 public meetings on Amendment 1 between March 2004 and April 2008. After considering a wide range of issues, alternatives, and public input, the Council submitted a draft environmental impact statement (DEIS) for Amendment 1 to NMFS. The Notice of Availability (NOA) for the DEIS published in the **Federal Register** on December 28, 2007 (72 FR 73798). Following the public comment period that ended February 11, 2008, the Council adopted Amendment 1 on April 10, 2008. Amendment 1 was developed and adopted by the Council consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable law. Amendment 1 management measures were developed by the Council to: (1) Implement an IFQ program; (2) establish IFQ transferability of ownership; (3) establish a cap on the acquisition of IFQ allocation (temporary and permanent); (4) address fees and cost-recovery; (5) establish flexibility to revise/adjust the IFQ program; (6) establish IFQ reporting

requirements; (7) modify the Interactive Voice Response (IVR) reporting requirements; (8) implement recreational permits and reporting requirements; (9) improve monitoring of tilefish commercial landings; (10) expand the list of management measures that can be adjusted via the framework adjustment process; (11) modify the Essential Fish Habitat (EFH) designation; (12) modify the habitat areas of particular concern (HAPC) designation; and (13) implement measures to reduce gear impacts on EFH within the Exclusive Economic Zone (EEZ). The proposed IFQ program measures are intended to reduce overcapacity in the commercial fishery, and to eliminate, to the extent possible, problems associated with a derby-style fishery. Amendment 1 also proposes to create a tilefish Charter/Party permit, which would require reporting from owners or operators of vessels that take fishermen for hire. When the original FMP was implemented in 2001, the recreational component of the fishery was believed to be small. However, anecdotal evidence suggests, that in recent years, the recreational component of the fishery may have grown. The tilefish open access Charter/Party permit would provide NMFS with the ability to collect landings information on this component of the fishery in order to properly assess the health of the stock.

Proposed Measures

The measures proposed in this rule are based on the description of the measures in Amendment 1. NMFS has noted instances where it has interpreted the language in Amendment 1 to account for any missing details in the Council's description of the proposed measures. NMFS seeks comments on all of the measures in this proposed rule, particularly those that, where noted, involve an interpretation of Council intent.

Institution of an IFQ Program in the Tilefish Fishery

Amendment 1 proposes that a qualified vessel owner must obtain a valid tilefish IFQ Allocation permit to possess or land tilefish in excess of an incidental catch limit of tilefish (see below). In addition, any vessel owner would be required to possess, and carry on board, a valid tilefish vessel permit to fish for, possess, or land tilefish in or from the Tilefish Management Unit. An incidental catch of 300 lb (136 kg) of tilefish, per trip, could be landed by any vessel issued a tilefish vessel permit, other than a Charter/Party vessel permit, not fishing under a tilefish IFQ