

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
<b>Eau Claire County, Wisconsin, and Incorporated Areas FEMA Docket No.: B-7726</b>			
Chippewa River .....	Approximately 1,800 feet upstream of county boundary ....	+762	Eau Claire County (Unincorporated Areas).
	Approximately 800 feet downstream of Interstate Highway 94.	+772	
Sherman Creek .....	Approximately 1,500 feet upstream of the confluence with the Chippewa River.	+777	City of Eau Claire, Eau Claire County (Unincorporated Areas).
	Approximately 1,800 feet downstream of U.S. Highway 12	+888	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### City of Eau Claire

Maps are available for inspection at City of Eau Claire, City Hall, 203 South Farwell Street, Eau Claire, WI 54702-5148.

##### Eau Claire County (Unincorporated Areas)

Maps are available for inspection at Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703-5481.

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

Dated: August 26, 2008.

**Michael K. Buckley,**

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

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**BILLING CODE 9110-12-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 071212833-8179-02 ]

**RIN 0648-XK04**

##### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for Massachusetts

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

**ACTION:** Closure of commercial fishery.

**SUMMARY:** NMFS announces that the Atlantic bluefish commercial quota available to Massachusetts has been harvested. Vessels issued a commercial Federal fisheries permit for the Atlantic bluefish fishery may not land bluefish in Massachusetts for the remainder of calendar year 2008, unless additional

quota becomes available through a transfer. Regulations governing the Atlantic bluefish fishery require publication of this notification to advise Massachusetts that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing bluefish in Massachusetts.

**DATES:** Effective 0001 hours, September 10, 2008, through 2400 hours, December 31, 2008.

##### FOR FURTHER INFORMATION CONTACT:

Emily Bryant, Fishery Management Specialist, (978) 281-9244.

##### SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

The initial Federal coastwide commercial quota for Atlantic bluefish for the 2008 calendar year was set equal to 4,787,000 lb (2,171 mt) (73 FR 9958, February 25, 2008). The initial commercial quota was adjusted by transferring 2,918,693 lb (1,324 mt) from the initial recreational allocation, resulting in a total commercial quota of 7,705,244 lb (3,495 mt). The percent allocated to vessels landing bluefish in Massachusetts is 6.7167 percent, resulting in an initial commercial quota of 517,538 lb (235 mt). The 2008

allocation was reduced to 516,619 lb (234 mt) (73 FR 9958, February 25, 2008) due to 2008 research set-aside quota allocation.

The regulations at § 648.161(b) require the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor state commercial quotas and to determine when a state's commercial quota has been harvested. NMFS then publishes a notification in the **Federal Register** to advise the state and to notify Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing bluefish in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that Massachusetts has harvested its quota for calendar year 2008.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land bluefish in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, September 10, 2008, further landings of bluefish in Massachusetts by vessels holding Atlantic bluefish commercial Federal fisheries permits are prohibited for the remainder of the 2008 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, September 10, 2008, federally permitted dealers are also notified that they may not purchase bluefish from federally permitted

vessels that land in Massachusetts for the remainder of the calendar year, or until additional quota becomes available through a transfer.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

**Dated:** September 4, 2008.

**Alan D. Risenhoover,**

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

[FR Doc. E8-20996 Filed 9-5-08; 4:15 pm]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 080627793-81063-02]

**RIN 0648-AW81**

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 6 to the Monkfish Fishery Management Plan

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

**ACTION:** Final rule.

**SUMMARY:** NMFS approves and implements new management measures for the monkfish fishery recommended in Framework Adjustment 6 (Framework 6) to the Monkfish Fishery Management Plan (FMP), which has been submitted jointly by the New England (NEFMC) and Mid-Atlantic Fishery Management Councils (Councils). This action eliminates the backstop provision adopted in Framework Adjustment 4 (Framework 4) to the FMP, which was implemented in October 2007. This provision would have adjusted, and possibly closed, the directed monkfish fishery in fishing year (FY) 2009 if the landings in FY 2007 exceeded the target total allowable catch (TTAC) by more than 30 percent. Given that both stocks are rebuilt according to the most recent assessment, the backstop provision is no longer deemed necessary.

**DATES:** This rule is effective October 10, 2008.

**ADDRESSES:** Copies of the Environmental Assessment (EA),

including the Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA), prepared for Framework 6 are available upon request from Paul Howard, Executive Director, NEFMC, 50 Water Street, Newburyport, MA, 01950. The document is also available online at [www.nefmc.org](http://www.nefmc.org). NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the Classification section of this rule. The FRFA consists of the IRFA, public comments and responses contained in this final rule, and a summary of impacts and alternatives contained in this final rule. The small entity compliance guide is available from Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930 2298, and on the Northeast Regional Office's website at <http://www.nero.noaa.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Emily Bryant, Fishery Management Specialist, phone (978) 281-9244, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### Background

The monkfish fishery is jointly managed by the Councils, with the NEFMC having the administrative lead. The fishery extends from Maine to North Carolina, and is divided into two management units: The Northern Fishery Management Area (NFMA) and the Southern Fishery Management Area (SFMA).

Framework 6 eliminates the backstop provision adopted in Framework 4. This backstop provision would have adjusted, and possibly closed, the directed monkfish fishery in 2009 if the landings in FY 2007 exceeded the TTAC by more than 30 percent. When Framework 4 was implemented, the biological reference points indicated that monkfish stocks were overfished and overfishing was occurring. In July 2007, the Northeast Data Poor Stocks Working Group (DPWG) completed and accepted a new stock assessment that indicated neither stock is overfished, overfishing is no longer occurring, and both stocks are rebuilt based on a new modeling approach and newly recommended biomass reference points. Framework Adjustment 5, implemented in May 2008, adopted the revised reference points recommended by the DPWG and implemented other measures that will reduce the likelihood of TTAC overages in FY 2008 and beyond. Therefore, a stock rebuilding program for the monkfish fishery is no longer necessary, nor is the backstop provision.

For a complete discussion of Framework 6, refer to the preamble of the proposed rule for this action (73 FR 39643; July 10, 2008).

#### Technical Change to Monkfish FMP Regulations

This rule would have corrected the regulations implementing the FMP, but the regulatory text for the backstop provision has already been removed from the regulations. The final rule implementing the Standardized Bycatch Recording Methodology (SBRM) Omnibus Amendment (73 FR 4736, January 28, 2008) inadvertently revised § 648.96(b)(5) by deleting the majority of regulations pertaining to the backstop provision introduced by Framework 4. In addition, the SBRM adjustment to the monkfish regulations added text referencing the annual review process at § 648.96(b)(5), which is now redundant with the existing text under § 648.96(a). Therefore, this action codifies the prior inadvertent removal of the backstop regulations and removes the redundant text under § 648.96(b)(5) referencing the annual review process. This action also adjusts § 648.96(b)(6) for the purpose of removing the only remaining reference to the TTAC overage backstop provision that was added through the final rule implementing Framework 4.

#### Comments and Responses

The public comment period on the proposed rule ended on August 11, 2008, with three comments received from private individuals and one comment from the State of Maine Department of Marine Resources.

**Comment 1:** One commenter generally opposed the removal of the backstop provision but did not provide any specific comments that are relevant to this action.

**Response:** There is no scientific or legal basis for the commenter's statements as monkfish are not currently subject to overfishing, nor in an overfished condition, based on the best scientific information available. Additionally, since both stocks are rebuilt, there is no longer a stock rebuilding program for monkfish. As such, the backstop provision is no longer necessary.

**Comment 2:** One commenter supported the removal of the backstop provision, mentioning the economic impact on monkfish fishermen if the provision were retained.

**Response:** NMFS acknowledges the commenter's support of this measure and is aware of the economic impacts that would occur if the backstop provision had been implemented.