

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.
Rockingham (FEMA Docket No.: B-7712).	Unincorporated areas of Rockingham County (07-03-0034P).	December 21, 2006; December 28, 2006; <i>Daily News-Record</i> .	Mr. Joseph S. Paxton, County Administrator, Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, VA 22802.	March 29, 2007	510133
Washington: Pierce (FEMA Docket No.: B-7474).	Unincorporated areas of Pierce County (06-10-B193P).	September 21, 2006; September 28, 2006; <i>The News Tribune</i> .	The Honorable Shawn Bunney, Pierce County Council Chairman, 930 Tacoma Avenue South, County-City Building, Room 1046, Tacoma, WA 98402-2176.	August 30, 2006	530138
Wyoming: Laramie (FEMA Docket No.: B-7474).	City of Cheyenne (06-08-B409P).	September 21, 2006; September 28, 2006; <i>Wyoming Tribune-Eagle</i> .	The Honorable Jack R. Spiker, Mayor, City of Cheyenne, 2101 O'Neil Avenue, Room 310, Cheyenne, WY 82001.	August 29, 2006	560030
Laramie (FEMA Docket No.: B-7474).	Unincorporated areas of Laramie County (06-08-B409P).	September 21, 2006; September 28, 2006; <i>Wyoming Tribune-Eagle</i> .	The Honorable Diane Humphrey, Chairman, Laramie County, Board of Commissioners, 309 West 20th Street, Cheyenne, WY 82001.	August 29, 2006	560029

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

Dated: May 3, 2007.

David I. Maurstad,

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

[FR Doc. 07-2384 Filed 5-16-07; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final 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 Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final 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 final 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 final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final 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 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.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

State	City/town/county	Source of flooding	Location	Depth in feet above ground. * Elevation in feet (NGVD) +Elevation in feet (NAVD) Modified
City of Hamilton, Illinois Docket No.: FEMA-P-7917				
Illinois	City of Hamilton	Chaney Creek Tributary 1	Approximately 190 feet upstream of the confluence with Chaney Creek.	+532
			Approximately 1,155 feet upstream of Park Drive.	+605
		Cheny Creek Tributary	At the confluence with Chaney Creek Tributary 1.	+580
			Approximately 20 feet upstream of Hillcrest Drive.	+616
		Railroad Creek Tributary 1	Approximately 215 feet upstream of the confluence with Railroad Creek.	+558
			Approximately 30 feet upstream of Walnut Street.	+612
		Tributary 2	Approximately 345 feet upstream of the confluence with Railroad Creek.	+588
			Approximately 435 feet upstream of Broadway Street.	+645
		Tributary 3	Approximately 200 feet upstream of the confluence with Railroad Creek.	+575
			Approximately 60 feet upstream of South 19th Street.	+635
		Spring Creek	Approximately 460 feet upstream of the confluence with Chaney Creek.	+561
			Approximately 1,975 feet upstream of the confluence with Chaney Creek.	+611

Depth in feet above ground.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

ADDRESSES**City of Hamilton**

Maps are available for inspection at the Community Map Repository, City of Hamilton, City Hall, 1010 Broadway, Hamilton, Illinois.

Hancock County, Illinois (Unincorporated Areas)**Docket No.: FEMA-P-7917**

Illinois	Hancock County (Unincorporated Areas).	Chaney Creek Tributary 1	Approximately 70 feet upstream of the confluence with Chaney Creek.	*529
			Approximately 370 feet upstream of the confluence with Chaney Creek.	*536
		Railroad Creek Tributary 3	Approximately 2,970 feet upstream of the confluence with Railroad Creek.	*636
			Approximately 3,170 feet upstream of the confluence with Railroad Creek.	*636
		Spring Creek	Approximately 70 feet upstream of the confluence with Chaney Creek.	*536
			Approximately 460 feet upstream of the confluence with Chaney Creek.	*561

Depth in feet above ground.

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

ADDRESSES**Hancock County, Ullinois (Unincorporated Areas)**

Maps are available for inspection at the Community Map Repository, Hancock County Courthouse, 500 Main Street, Carthage, Illinois.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Richmond County, North Carolina and Incorporated Areas Docket No.: FEMA-D-7686			
Baggetts Creek	At the confluence with Speeds Creek	+135	Richmond County (Unincorporated Areas).
Beaver Dam Creek (into Rocky Fork Creek).	At U.S. Highway 1	+159	Richmond County (Unincorporated Areas).
	At the confluence with Rocky Fork Creek	+238	
Beaverdam Branch	Approximately 0.4 mile upstream of Millstone Road (State Road 1487).	+315	Richmond County (Unincorporated Areas). City of Hamlet, City of Rockingham.
	Approximately 50 feet upstream of the Railroad	+247	
Beaverdam Creek (into Big Mountain Creek).	Approximately 860 feet upstream of Chalk Road	+269	Richmond County (Unincorporated Areas).
	At the confluence with Big Mountain Creek	+341	
Bells Creek	Approximately 100 feet downstream of Capel Mill Road (State Road 1321).	+367	Richmond County (Unincorporated Areas).
	At the confluence with Rocky Fork Creek	+270	
Big Branch	Approximately 1,200 feet upstream of Haywood Parker Road (State Road 1441).	+320	Richmond County (Unincorporated Areas).
	At the confluence with Drowning Creek	+302	
Big Mountain Creek	Approximately 0.8 mile upstream of the confluence with Drowning Creek.	+318	Richmond County (Unincorporated Areas).
	At the confluence with Mountain Creek and Little Mountain Creek.	+246	
Big Muddy Creek	Approximately 600 feet upstream of the confluence of Silver Creek.	+374	Richmond County (Unincorporated Areas), Town of Hoffman.
	At the Richmond/Scotland County boundary	+311	
Black Branch	Approximately 1,500 feet upstream of Blues Bridge Road ...	+397	Richmond County (Unincorporated Areas).
	At the confluence with Solomans Creek	+214	
Bones Fork Creek	Approximately 0.5 mile upstream of U.S. Highway 74	+256	Richmond County (Unincorporated Areas).
	At the confluence with Hitchcock Creek	+256	
Tributary 1	Approximately 1,000 feet upstream of Millstone Road (State Road 1487).	+276	Richmond County (Unincorporated Areas).
	At the confluence with Bones Fork Creek	+267	
Buffalo Creek	Approximately 600 feet upstream of Millstone Road (State Road 1487).	+280	Richmond County (Unincorporated Areas).
	At the confluence with Little River	+201	
Tributary 1	Approximately 0.7 mile upstream of Cartledge Creek Road (State Road 1005).	+262	Richmond County (Unincorporated Areas).
	At the confluence with Buffalo Creek	+224	
Camp Branch	Approximately 0.6 mile upstream of the confluence with Buffalo Creek.	+238	Richmond County (Unincorporated Areas).
	At the confluence with Gum Swamp Creek	+256	
Cartledge Creek	Approximately 0.5 mile upstream of Cognac Road (State Road 1605).	+302	Richmond County (Unincorporated Areas).
	At the confluence with Pee Dee River	+152	
Tributary 1	Approximately 1,400 feet upstream of John Webb Road (State Road 1308).	+294	Richmond County (Unincorporated Areas).
	At the confluence with Cartledge Creek	+152	
Tributary 2	Approximately 2.0 miles upstream of the confluence with Cartledge Creek.	+219	Richmond County (Unincorporated Areas).
	At the confluence with Cartledge Creek	+168	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Cheek Creek	Approximately 0.5 mile upstream of Dockery Road (State Road 1143). At the confluence with Little River	+218 +207	Richmond County (Unincorporated Areas).
Chock Creek	Approximately 1,800 feet upstream of the confluence with Little River. At the confluence with Hitchcock Creek	+207 +239	Richmond County (Unincorporated Areas).
Tributary 1	Approximately 0.5 mile upstream of Gray Woods Road At the confluence with Chock Creek	+279 +247	Richmond County (Unincorporated Areas).
Tributary 2	Approximately 1.0 mile upstream of the confluence with Chock Creek. At the confluence with Chock Creek	+260 +263	Richmond County (Unincorporated Areas).
Colemans Creek	Approximately 1.3 miles upstream of Fox Road (State Road 1606). At the confluence with Mountain Creek	+301 +193	Richmond County (Unincorporated Areas).
Cox Pond	Approximately 1.8 miles upstream of Grassy Island Road (State Road 1148). At the upstream side of the Railroad	+271 +274	Richmond County (Unincorporated Areas), City of Hamlet.
Crawford Branch	Approximately 150 feet downstream of McDonald Avenue .. Approximately 1.2 miles downstream of Old Peggy Mill Road (State Road 1610).	+296 +260	Richmond County (Unincorporated Areas).
Crooked Creek	Approximately 0.6 mile upstream of Old Peggy Mill Road (State Road 1610). At County Line Road (State Road 1803)	+302 +244	Richmond County (Unincorporated Areas).
Drowning Creek	Approximately 700 feet downstream of Scholl Shankle Road (State Road 1805). At the Richmond/Scotland/Hoke/Moore County boundaries	+268 +268	Richmond County (Unincorporated Areas).
Gum Swamp Creek	At the Richmond/Montgomery/Moore County boundary At Gum Swamp Road (State Road 1609)	+368 +255	Richmond County (Unincorporated Areas).
Hitchcock Creek	Approximately 0.5 mile upstream of Marston Road (State Road 1001). At the confluence with Pee Dee River	+329 +138	Richmond County (Unincorporated Areas), City of Rockingham.
Tributary 1	Approximately 0.6 mile upstream of the confluence of Indian Camp Lake. At the confluence with Hitchcock Creek	+302 +186	Richmond County (Unincorporated Areas), City of Rockingham.
Tributary 2	Approximately 250 feet downstream of Richmond Road At the confluence with Hitchcock Creek	+235 +195	Richmond County (Unincorporated Areas), City of Rockingham.
Tributary 2A	Approximately 30 feet downstream of Richmond Road At the confluence with Hitchcock Creek Tributary 2	+251 +195	Richmond County (Unincorporated Areas), City of Rockingham.
Tributary 2B	Approximately 0.5 mile upstream of the confluence of Hitchcock Creek Tributary 2. At the confluence with Hitchcock Creek Tributary 2	+267 +241	City of Rockingham.
Tributary 3	Approximately 50 feet downstream of Richmond Road At the confluence with Hitchcock Creek	+249 +195	Richmond County (Unincorporated Areas), City of Rockingham.
Tributary 4	Approximately 1,100 feet upstream of Nicholson Road At the confluence with McKinney Lake/Hitchcock Creek	+220 +283	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with McKinney Lake/Hitchcock Creek.	+290	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Indian Camp Lake	At the confluence with Hitchcock Creek	+287	Richmond County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with Hitchcock Creek.	+306	
Tributary 1	At the confluence with Indian Camp Lake	+296	Richmond County (Unincorporated Areas).
	Approximately 1.4 miles upstream of the confluence with Indian Camp Lake.	+349	
Jennies Branch	At the confluence with Hitchcock Creek	+159	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 1,300 feet upstream of Patterson Street	+276	
Jobs Creek	At the confluence with Little Mountain Creek	+375	Richmond County (Unincorporated Areas).
	Approximately 0.5 mile upstream of U.S. Highway 220	+418	
Joes Creek	Approximately 1,700 feet upstream of the confluence with Joes Creek Tributary.	+224	Richmond County (Unincorporated Areas).
	Approximately 500 feet upstream of Old Laurinburg Road (State Road 1614).	+276	
Tributary	At the County Line Road (State Road 1802	+261	Richmond County (Unincorporated Areas).
	Approximately 1.0 mile upstream of County Line Road (State Road 1802).	+282	
Kinsman Lake	Approximately 1,000 feet upstream of the confluence with South Prong Falling Creek.	+260	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 0.6 mile upstream of the confluence with South Prong Falling Creek.	+276	
Lightwood Knot Creek	Approximately 1,800 feet downstream of Ghio Road (State Road 1803).	+246	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Ghio Road (State Road 1803).	+259	
Little Hamer Creek	At the confluence with Wolf Branch Creek and Unnamed Tributary of Wolf Branch Creek.	+238	Richmond County (Unincorporated Areas).
	At the Richmond/Montgomery County boundary	+241	
Little Mountain Creek	The confluence with Mountain Creek and Big Mountain Creek.	+246	Richmond County (Unincorporated Areas).
	Approximately 3.6 miles upstream of the confluence of Jobs Creek.	+486	
Little River	At the confluence with Pee Dee River	+200	Richmond County (Unincorporated Areas).
	Approximately 1,900 feet upstream of the confluence of Cheek Creek.	+207	
Marks Creek	At the North Carolina/South Carolina State boundary	+120	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 2.3 miles upstream of Boyd Lake Road	+340	
Tributary 1	At the confluence with Marks Creek	+193	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Marks Creek.	+210	
Tributary 2	At the confluence with Marks Creek	+212	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Marks Creek.	+246	
Tributary 3	At the confluence with Marks Creek	+217	Richmond County (Unincorporated Areas).
	Approximately 1.1 miles upstream of the confluence with Marks Creek.	+257	
Tributary 4	At the confluence with Marks Creek	+221	Richmond County (Unincorporated Areas).
	Approximately 500 feet upstream of Homeplace Road (State Road 1995).	+247	
Tributary 5	At the confluence with Marks Creek	+225	Richmond County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Marks Creek.	+262	

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
Tributary 6	At the confluence with Marks Creek	+228	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of NC Highway 177	+244	
Tributary 7	At the confluence with Marks Creek	+233	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 0.4 mile upstream of U.S. Highway 74	+282	
Tributary 8	At the confluence with Marks Creek	+242	Richmond County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Marks Creek.	+263	
Tributary 9	At the confluence with Marks Creek	+294	Richmond County (Unincorporated Areas), City of Hamlet.
	Approximately 0.4 mile upstream of Raintree Road	+323	
Middle Prong Hamer Creek ..	At the confluence with Little River	+201	Richmond County (Unincorporated Areas).
	At the Richmond/Montgomery County boundary	+246	
Millstone Creek	At the confluence with Rocky Fork Creek/Millstone Lake	+311	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Rocky Fork Creek/Millstone Lake.	+334	
Mountain Creek	At the confluence with Pee Dee River	+192	Richmond County (Unincorporated Areas).
	At the confluences of Big Mountain Creek and Little Mountain Creek.	+246	
Naked Creek (into Drowning Creek).	At the confluence with Drowning Creek	+313	Richmond County (Unincorporated Areas).
	At Research Farm Road (State Road 1527)	+458	
Naked Creek (into Pee Dee River).	At the confluence with Pee Dee River	+190	Richmond County (Unincorporated Areas).
	Approximately 1,100 feet upstream of Parson Lake Road (State Road 1145).	+267	
North Prong Falling Creek	Approximately 1,200 feet upstream of Long Drive	+222	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 1.7 miles upstream of the confluence of North Prong Falling Creek Tributary 1.	+295	
Tributary 1	At the confluence with North Prong Falling Creek	+256	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with North Prong Falling Creek.	+265	
Paradise Creek	At the confluence with Rocky Fork Creek	+351	Richmond County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Fire Tower Road (State Road 1455).	+369	
Pee Dee River	At the North Carolina/South Carolina State boundary	+110	Richmond County (Unincorporated Areas).
	At the Montgomery/Richmond County boundary	+220	
Rocky Fork Creek	At the confluence with Ledbetter Lake	+238	Richmond County (Unincorporated Areas).
	Approximately 1.3 miles upstream of O.G. Reynolds Road (State Road 1457).	+499	
Rocky Branch	At the confluence with Hitchcock Creek	+159	Richmond County (Unincorporated Areas), City of Rockingham.
	Approximately 0.4 mile upstream of Sandhill Road (State Road 1971).	+263	
Rocky Fork Creek Tributary 1	At the confluence with Rocky Fork Creek	+262	Richmond County (Unincorporated Areas).
	Approximately 0.8 mile upstream of the confluence with Rocky Fork Creek.	+288	
Silver Creek	At the confluence with Big Mountain Creek	+373	Richmond County (Unincorporated Areas).
	Approximately 0.6 mile upstream of County Line Road (State Road 1153).	+398	
Solomans Creek	At the confluence with Pee Dee River	+132	Richmond County (Unincorporated Areas).

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground Modified	Communities affected
South Prong Cartledge Creek	Approximately 900 feet upstream of Stokes Road (State Road 1992). At the confluence with Cartledge Creek	+259 +228	Richmond County (Unincorporated Areas).
South Prong Falling Creek	Approximately 1,600 feet upstream of Sandy Ridge Church Road (State Road 1305). At the upstream side of the Richmond College Lake Dam ..	+302 +276	Richmond County (Unincorporated Areas), City of Hamlet.
Tributary 1	Approximately 1,200 feet upstream of Wire Grass Road At the confluence with South Prong Falling Creek/Richmond College Lake.	+297 +276	Richmond County (Unincorporated Areas), City of Hamlet.
Speeds Creek	Approximately 1,800 feet upstream of the confluence with South Prong Falling Creek/Richmond College Lake. At the confluence with Solomans Creek	+295 +135	Richmond County (Unincorporated Areas).
Trecees Branch	Approximately 0.8 mile upstream of Sandhill Road (State Road 1971). At the confluence with Cartledge Creek	+176 +184	Richmond County (Unincorporated Areas).
Unnamed Tributary to Wolf Branch Creek.	Approximately 780 feet upstream of Cartledge Creek Road (State Road 1005). At the confluence with Wolf Branch Creek and Little Hamer Creek.	+242 +238	Richmond County (Unincorporated Areas).
Watery Branch	At the Richmond/Montgomery County boundary	+245	Richmond County (Unincorporated Areas).
White Creek Tributary	At the confluence with Speeds Creek	+145	Richmond County (Unincorporated Areas).
Wolf Branch Creek	Approximately 1,900 feet upstream of the confluence with Speeds Creek. Approximately 1,000 feet downstream of Osborne Road (State Road 1803). Approximately 0.5 mile upstream of Osborne Road (State Road 1803). At the confluence with Middle Prong Hamer Creek	+165 +198 +207 +220	Richmond County (Unincorporated Areas).
	At the confluence of Little Hamer Creek and Unnamed Tributary of Wolf Branch Creek.	+238	

Depth in feet above ground.
 * National Geodetic Vertical Datum.
 + North American Vertical Datum.

ADDRESSES

City of Hamlet

Maps are available for inspection at the Hamlet City Hall, 201 Main Street, Hamlet, North Carolina.

City of Rockingham

Maps are available for inspection at the Rockingham City Hall, Planning Department, 514 Rockingham Road, Rockingham, North Carolina.

Town of Hoffman

Maps are available for inspection at the Hoffman Town Hall, 2176 Caddell Road, Hoffman, North Carolina.

Richmond County (Unincorporated Areas)

Maps are available for inspection at the Richmond County Planning Department, 221 South Hancock Street, Rockingham, North Carolina.

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

Dated: May 3, 2007.

David I. Maurstad,

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

[FR Doc. 07-2385 Filed 5-16-07; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 070510101-7101-01]

RIN 0648-AV57

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; a Temporary Rule

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

ACTION: Temporary rule; emergency action; request for comments.

SUMMARY: NMFS publishes a temporary rule to prohibit any vessel from participating in either the mothership, catcher-processor or shoreside delivery sector of the directed Pacific whiting (whiting) fishery off the West Coast in 2007 if it does not have a history of sector-specific participation in the whiting fishery between January 1, 1997, and January 1, 2007. This rule is intended to prevent serious conservation and management problems that could be caused by new entrants in 2007 and to maintain the status quo while the Pacific Fishery Management Council (Council) addresses the issue of increased effort in the whiting fishery through an amendment to the Pacific Groundfish Fishery Management Plan (FMP) for the long term.

DATES: The amendments in this rule are effective May 14, 2007 through November 13, 2007, except for amendments to §§ 660.333 and 660.335, which are effective May 14, 2007.

Comments must be received by June 18, 2007.

ADDRESSES: Comments on the management measures and the related environmental assessment (EA) may be sent to Frank Lockhart, Assistant Regional Administrator for Sustainable Fisheries, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070, fax: 206-526-6376.

Comments may be submitted via e-mail at Whiting.emergencyrule2007@noaa.gov or at the Federal e-Rulemaking Portal: <http://www.Regulations.gov>.

Copies of the FONSI and its supporting EA and other documents cited in this document are available from Frank Lockhart at the address Assistant Regional Administrator for Sustainable Fisheries, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070. Information presented by the Council for this temporary rule is available for public review during business hours at the office of the Council at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503-820-2280. Copies of additional reports or testimony referenced in this document may also be obtained from the Council.

FOR FURTHER INFORMATION: Frank Lockhart (Northwest Region, NMFS), phone: 206-526-6142; fax: 206-526-6736) and e-mail: Frank.Lockhart@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

The temporary rule also is accessible via the Internet at the Office of the **Federal Register's** Web site at <http://www.gpoaccess.gov/fr/index.html>. Background information and documents, including the EA, are available at the Council's Web site at <http://pcouncil.org>.

Background

The whiting fishery off the West Coast is managed under the Groundfish FMP prepared by the Council and approved by the Secretary of Commerce under the Magnuson-Stevens Act. The Council has adopted a formal process through which, every two years, it establishes allowable catches and associated fishery conservation and management measures for most of the groundfish fishery sectors for a biennial management cycle. The whiting fishery is managed somewhat differently because there is an annual stock assessment on which the Council bases an annual determination of the U.S. optimum yield (OY) and the sub-quotas of the U.S. OY. Beginning in 1997, the Council makes annual allocations of the U.S. OY available to each of three directed fishing sectors: Mothership, catcher-processor, and shoreside delivery. Further, the directed whiting fishery has a distinct seasonal structure, with the primary season start dates for each of the three commercial sectors being the same since 1997. The primary seasons for the non-tribal catcher/processor and

mothership sectors begins May 15. The shoreside primary season in most of the Eureka statistical area (between 42° north latitude (N. lat.) and 40°30' N. lat.) begins on April 1, and the fishery south of 40°30' N. lat. begins April 15. The Pacific whiting shoreside fishery north of 42° N. lat. begins on June 15. No more than five percent of the shore-based sector allocation may be taken in the early season fishery off California before the primary season north of 42° N. lat. opens on June 15. This is intended to ensure an opportunity for all sectors of the shoreside industry to have fair opportunity to engage in the fishery when fish are available to them without excessive risk that any one area will receive disproportionately large opportunities. It also supports efforts to minimize bycatch of rockfish and salmon.

The current management regime with specific sector allocations and differences in area and sector season start dates was first implemented for the 1997 fishery (**Federal Register:** May 20, 1997 (Volume 62, Number 97)). At that time, the benefits of the sector allocations were to: Reduce the uncertainty of the amounts available for each sector, make the fishery easier to monitor, and eliminate the "first-come-first-serve" derby style incentives in the fishery associated with the "no-action" alternative as separate allocations encourage each sector to operate at a more leisurely and safe pace. By reducing the race for fish, separate sector allocations would provide greater incentives for vessels to move to other fishing grounds if necessary to lower bycatch levels, particularly of yellowtail rockfish and salmon. In addition, with separate allocations, each sector would have greater accountability and opportunity to minimize bycatch while providing each sector the flexibility of starting at different times without losing any competitive advantage. It also supported efforts to minimize bycatch of rockfish and salmon.

Since 1997, when sector specific allocations were made, the fishery has been fairly stable except for a few recent instances where additional rules had to be put in place to protect overfished species (2004) and endangered salmon (2005). As in many fisheries, when the fishery is stable, most of the participants know each other and have a shared interest in maintaining a stable situation. In this instance, cooperation includes a common interest in ensuring that bycatch is limited because excessive bycatch could close the fishery before the whiting quota is reached. Therefore, there is frequent sharing of information to ensure that