

area, for purposes of determining the incidental catch limit, will be determined through the vessel's VMS unit.

\* \* \* \* \*

■ 6. In § 648.95, paragraphs (a)(2), (g)(2), and (g)(3) are suspended and paragraphs (a)(4), (g)(4), and (g)(5) are added to read as follows:

**§ 648.95 Offshore Fishery Program in the SFMA.**

(a) \* \* \*

(4) When not fishing on a monkfish DAS, a Category F vessel may fish under the regulations applicable to the monkfish incidental catch (Category E) permit, specified under § 648.94. When fishing on a NE multispecies DAS in the NFMA, a Category F vessel that also possesses a NE multispecies limited access permit is subject to the possession limits applicable to vessels issued an incidental catch permit as described in § 648.94(c)(9)(i).

\* \* \* \* \*

(g) \* \* \*

(4) The monkfish DAS allocation for vessels issued a Category F permit shall be equal to the trip limit applicable to the vessel's limited access monkfish permit category divided by the fixed daily possession limit specified in paragraph (g)(1) of this section, and then multiplied by the DAS allocation for limited access monkfish vessels fishing in the SFMA and not issued Category F permits, specified under § 648.92(b)(10)(ii). For example, if a vessel has a limited access monkfish Category C permit, and the applicable trip limit is 550 lb (363 kg) for this category, and the vessel has an annual allocation of 12 monkfish DAS for the SFMA, then the monkfish DAS allocated to that vessel when issued a Category F permit would be 4.13 monkfish DAS (550 lb divided by 1,600 lb, multiplied by 12 monkfish DAS, equals 4.13 DAS).

(5) Vessels issued a Category F permit that are fishing under a NE multispecies DAS in the NFMA are subject to the incidental catch limit specified in paragraph (c)(9)(i) of this section.

\* \* \* \* \*

■ 7. In § 648.96, paragraphs (a), (b)(1)–(4) are suspended and paragraphs (b)(5)–(7) are added to read as follows:

**§ 648.96 Monkfish annual adjustment process and framework specifications.**

(b) \* \* \*

(5) *Annual review process.* The Monkfish Monitoring Committee (MFMC) shall meet on or before November 15 of each year to develop options for the upcoming fishing year,

as needed, and options for NEFMC and MAFMC consideration on any changes, adjustment, or additions to DAS allocations, trip limits, size limits, or other measures necessary to achieve the Monkfish FMP's goals and objectives. The MFMC shall review available data pertaining to discards and landings, DAS, and other measures of fishing effort; stock status and fishing mortality rates; enforcement of and compliance with management measures; and any other relevant information.

(6) *Annual Target TACs for FY 2007—*(i) *NFMA.* The annual target TAC for the NFMA is 5,000 mt for FY 2007, unless otherwise recommended by the MFMC through its annual review procedure specified in paragraph (b)(5) of this section, and adopted through the procedures outlined in paragraph (b)(7) of this section.

(ii) *SFMA.* The annual target TAC for the SFMA is 3,667 mt for FY 2007, unless otherwise recommended by the MFMC through its annual review procedure specified in paragraph (b)(5) of this section, and adopted through the procedures outlined in paragraph (b)(7) of this section.

(7) *Council TAC recommendations.* The Councils shall consider any target TAC(s) and/or other management measures recommended by the MFMC as part of its annual review specified in paragraph (b)(5) of this section, and then forward their recommendation to the Regional Administrator. If the Councils recommend target TAC(s) and/or other management measures to the Regional Administrator, and the Regional Administrator concurs with this recommendation, the Regional Administrator shall promulgate the target TAC(s) and/or management measures through rulemaking consistent with the APA. If the Regional Administrator does not concur with the Councils' recommendation, then the Councils shall be notified in writing of the reasons for the non-concurrence.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 070213032–7032–01; I.D. 042307B]

**Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for northern rockfish, Pacific ocean perch, and pelagic shelf rockfish for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the sideboard limits of northern rockfish, Pacific ocean perch, and pelagic shelf rockfish established for catcher vessels in the Western Regulatory Area and West Yakutat District of the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2007, through 2400 hrs, A.l.t., July 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management 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 sideboard limits established for catcher vessels subject to sideboard limits in the Central GOA Rockfish Program in the West Yakutat District are 33 mt for Pacific ocean perch and 5 mt for pelagic shelf rockfish. The 2007 sideboard limit established for catcher vessels subject to sideboard limits in the Central GOA Rockfish Program in the Western Regulatory Area are zero mt. The sideboard limits are established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007).

In accordance with § 679.82(d)(7)(ii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the directed fishing sideboard limits have been reached for northern rockfish, Pacific ocean perch, and pelagic shelf rockfish established for catcher vessels subject to sideboard limits in the Central GOA Rockfish Program in the Western Regulatory Area and West Yakutat District of the GOA. Consequently, NMFS is prohibiting directed fishing for northern rockfish, Pacific ocean perch, and pelagic shelf rockfish for catcher vessels subject to sideboard limits in the Central GOA Rockfish Program in the Western Regulatory Area and West Yakutat District of the GOA, effective 1200 hrs, A.l.t, July 1, 2007, through 2400 hrs, A.l.t., July 31, 2007.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### **Classification**

This action responds to the best available information recently obtained from the fishery. Pursuant to 5 U.S.C. 553 (b)(B), the Assistant Administrator for Fisheries, NOAA (AA) finds good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary. Notice and comment is unnecessary because the closure is non-discretionary; pursuant to § 679.82(d)(7)(ii), the Regional Administrator has no choice but to prohibit directed fishing once it is

determined that the directed fishing sideboard limit has been attained.

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.

This action is required by § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: April 23, 2007.

**James P. Burgess**

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