REASONS FOR REVERSAL: NMFS has determined 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 continuing 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 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.


Alan D. Risenhoover,
Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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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’omaluhia 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.


Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 08–1104 Filed 4–2–08; 1:54 pm]

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