

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground Modified	Communities affected
Tom Creek .....	At the confluence with Catawba River .....	+1,229	Unincorporated Areas of McDowell County.
Tom Creek Tributary 1 .....	Approximately 280 feet upstream of State Route 1440 ..... At the confluence with Tom Creek .....	+1,637 +1,418	Unincorporated Areas of McDowell County.
Walton Crowley Branch .....	Approximately 1,300 feet upstream of State Route 1433 .. At the confluence with North Muddy Creek .....	+1,488 +1,119	Unincorporated Areas of McDowell County.
West Fork Cove Creek .....	Approximately 1,230 feet upstream of State Route 1760 .. At the confluence with Cove Creek and Morgan Creek (near Sugar Hill).	+1,139 +1,197	Unincorporated Areas of McDowell County.
Youngs Fork .....	Approximately 1.3 miles upstream of State Route 1001 .... At the confluence with North Muddy Creek .....	+1,259 +1,205	Unincorporated Areas of McDowell County, City of Marion.
	Approximately 125 feet downstream of Glenview Street ....	+1,327 HELP	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

#### ADDRESSES

##### City of Marion

Maps available for inspection at the Marion City Hall, 194 North Main Street, Marion, North Carolina.

##### Town of Old Fort

Maps available for inspection at the Old Fort Town Hall, 38 South Catawba Avenue, Old Fort, North Carolina.

##### Unincorporated Areas of McDowell County

Maps available for inspection at the McDowell County Administration Building, 60 East Court Street, Marion, North Carolina.

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

Dated: April 18, 2008.

##### David I. Maurstad,

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

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 071030625-7696-02]

RIN 0648-XH32

##### Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

**ACTION:** Temporary rule; inseason quota transfer.

**SUMMARY:** NMFS announces that the State of North Carolina is transferring

28,045 lb (12,721 kg) of commercial summer flounder quota to the Commonwealth of Virginia from its 2008 quota. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective April 24, 2008, through December 31, 2008.

##### FOR FURTHER INFORMATION CONTACT:

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

##### SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator,

Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.100(d). The Regional Administrator is required to consider the criteria set forth in § 648.100(d)(3) in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 28,045 lb (12,721 kg) of its 2008 commercial quota to Virginia to cover the summer flounder landings of four North Carolina vessels granted safe harbor in Virginia due to winter storm conditions between January 3 and March 31, 2008. The Regional Administrator has determined that the criteria set forth in § 648.100(d)(3) have been met. The revised quotas for calendar year 2008 are: North Carolina, 2,530,479 lb (1,147,806 kg); and Virginia, 2,015,211 lb (914,084 kg).

##### Classification

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

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

Dated: April 23, 2008.

**Emily H. Menashes,**

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

[FR Doc. 08-1195 Filed 4-24-08; 1:56 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 0401120010-4114-02]

RIN 0648-XH45

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area

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

**ACTION:** Temporary rule; reduction of landing limit.

**SUMMARY:** NMFS announces a decrease in the Georges Bank (GB) yellowtail flounder trip limit to 5,000 lb (2,268 kg) for NE multispecies days-at-sea (DAS) vessels fishing in the U.S./Canada Management Area. This action is authorized by the regulations implementing Amendment 13 to the NE Multispecies Fishery Management Plan and is intended to prevent over-harvesting of the total allowable catch (TAC) for GB yellowtail flounder during the 2008 fishing year. This action is being taken to maintain opportunities for vessels to fully harvest the TACs for transboundary stocks of GB cod, haddock, and yellowtail flounder under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Effective May 1, 2008, through April 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Douglas Christel, Fishery Policy Analyst, (978) 281-9141, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing the GB yellowtail flounder landing limit within the U.S./Canada Management Area are found at 50 CFR 648.85(a)(3)(iv)(C) and (D). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./

Canada Management Area, as defined at § 648.85(a)(1), under specific conditions. The TAC for GB yellowtail flounder for the 2008 fishing year (May 1, 2008 - April 30, 2009) was set at 1,950 mt (73 FR 16572, March 28, 2008), a 217-percent increase from the TAC for the 2007 fishing year.

The regulations at § 648.85(b)(3)(iv)(C) specify the initial GB yellowtail flounder for each fishing year at 10,000 lb (4,536 kg) per trip. The regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to increase or decrease the trip limits in the U.S./Canada Management Area to prevent over-harvesting or under-harvesting the TAC allocation. Despite the substantially larger 2008 TAC for GB yellowtail flounder, projections of harvest rates in the fishery indicate that the current trip limit of 10,000 lb (4,536 kg) per trip could still result in the over-harvest of the GB yellowtail flounder TAC before the end of the 2008 fishing year. The regulations at § 648.85(a)(3)(iv)(C)(3) state that when 100 percent of the GB yellowtail flounder TAC is projected to be harvested, NMFS shall close the Eastern U.S./Canada Area to NE multispecies DAS vessels and prohibit all vessels from harvesting, possessing, or landing yellowtail flounder from the entire U.S./Canada Management Area. Therefore, any closure resulting from exceeding the GB yellowtail flounder TAC would unnecessarily reduce opportunities to fish for Eastern GB cod and haddock in the Eastern U.S./Canada Area. Based upon this information, NMFS is decreasing the current 10,000-lb (4,536 kg) trip limit in the U.S./Canada Management Area to 5,000 lb (2,268 kg), effective May 1, 2008, through April 30, 2009. This will allow for the fishery in the Eastern U.S./Canada Area to remain open longer and increase the opportunities to target Eastern GB cod and haddock during the 2008 fishing year. Any NE multispecies DAS vessels that have declared into the U.S./Canada Management Area, departed on a trip, and crossed the VMS demarcation line to start their trip prior to 12:01 AM on May 1, 2008, may possess and land up to 10,000 lb (4,536 kg) of GB yellowtail flounder on that trip only.

GB yellowtail flounder landings will be closely monitored through the Vessel Monitoring System (VMS) and other available information. Should 100 percent of the TAC allocation for GB yellowtail flounder be projected to be harvested, the Eastern U.S./Canada Area will close to all limited access NE multispecies DAS vessels, and all vessels will be prohibited from harvesting, possessing, or landing

yellowtail flounder from the entire U.S./Canada Management Area for the remainder of the fishing year.

Conversely, if the TAC is projected to be under-harvested by the end of the fishing year, in-season adjustments to increase the trip limit may be considered.

#### Classification

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

Pursuant to 5 U.S.C. 553(b)(B) and (d)(3), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment, as well as the delayed effectiveness for this action, because notice, comment, and a delayed effectiveness would be impracticable and contrary to the public interest. The regulations under § 648.85(a)(3)(iv)(D) grant the Regional Administrator the authority to adjust the GB yellowtail flounder trip limit to prevent over-harvesting or under-harvesting the TAC allocation. Based upon recent projections, even though the 2008 GB yellowtail flounder TAC is substantially larger than the 2007 TAC, a trip limit of 10,000 lb (4,536 kg) would likely cause the 2008 GB yellowtail flounder TAC to be exceeded before August. These projections were not completed in sufficient time to allow for a proposed rule. Therefore, during the time necessary to provide for prior notice, opportunity for public comment, and delayed effectiveness for this action, vessels would be able to land GB yellowtail flounder at a rate which would likely result in the full harvest of the 2008 GB yellowtail flounder TAC prior to the end of the 2008 fishing year. This would necessitate the premature closure of the Eastern U.S./Canada Area and a prohibition on the retention of GB yellowtail flounder in the entire U.S./Canada Management Area, thereby preventing the Agency from meeting its obligation to ensure that full opportunity is provided to harvest the 2008 U.S./Canada Management Area TACs for GB cod, haddock, and yellowtail flounder at a level that approaches optimum yield. Further, over-harvesting the GB yellowtail TAC would result in an overage deduction in fishing year 2009, and increase economic impacts to the industry and social impacts beyond those analyzed for Amendment 13. Exceeding the 2008 TAC for GB yellowtail flounder would increase mortality of this overfished stock beyond that evaluated during the development of Amendment 13 and Framework Adjustment 42, resulting in decreased revenue for the NE multispecies fishery, increased negative