

**DATES:** Comments and information regarding this proposed rule must be received by April 6, 2013. The public hearing will be held on Tuesday, March 12, 2013, from 6 to 9 p.m. in Silver Spring, MD.

**ADDRESSES:** The March 12, 2013, hearing will be held at NOAA Headquarters, Building 4, NOAA Science Center, 1301 East-West Highway, Silver Spring, MD 20910.

You may submit comments, identified by NOAA–NMFS–2010–0036, by any of the following methods:

- **Electronic submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/](http://www.regulations.gov/)#!/docketDetail;D=[NOAA–NMFS–2010–0036], click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Regulatory Branch Chief, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814; or Assistant Regional Administrator, Protected Resources, National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, Saint Petersburg, FL 33701, Attn: 82 coral species proposed listing.

- **Fax:** 808–973–2941; Attn: Protected Resources Regulatory Branch Chief; or 727–824–5309; Attn: Protected Resources Assistant Regional Administrator.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

You can obtain the petition and reference materials regarding this determination via the NMFS Pacific Island Regional Office Web site: [http://www.fpir.noaa.gov/PRD/PRD\\_coral.html](http://www.fpir.noaa.gov/PRD/PRD_coral.html); NMFS Southeast Regional Office Web site: <http://sero.nmfs.noaa.gov/pr/esa/82CoralSpecies.htm>; NMFS HQ Web

site: <http://www.nmfs.noaa.gov/stories/2012/11/82corals.html>; or by submitting a request to the Regulatory Branch Chief, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814, Attn: 82 coral species.

**FOR FURTHER INFORMATION CONTACT:** Chelsey Young, NMFS, Pacific Islands Regional Office, 808–944–2137; Lance Smith, NMFS, Pacific Island Regional Office, 808–944–2258; Jennifer Moore, NMFS, Southeast Regional Office, 727–824–5312; or Marta Nammack, NMFS, Office of Protected Resources, 301–427–8469.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 7, 2012, we published a proposed rule in the **Federal Register** (77 FR 73219) in response to a petition submitted by the Center for Biological Diversity to list 83 reef-building coral species as threatened or endangered under the ESA. We concluded that 12 of the petitioned coral species warrant listing as endangered (5 Caribbean and 7 Indo-Pacific), 54 coral species warrant listing as threatened (2 Caribbean and 52 Indo-Pacific), and 16 coral species (all Indo-Pacific) do not warrant listing as threatened or endangered under the ESA. We also determined that two Caribbean coral species currently listed warrant reclassification from threatened to endangered.

We subsequently received requests to extend the public comment period for an additional 90 days. We have determined that an extension of 30 days, until April 6, 2013, making the full comment period 120 days, will allow adequate time for the public to thoroughly review and comment on the proposed rule while still providing the agency with sufficient time to meet our statutory deadlines.

##### **Public Hearing**

Joint Commerce-Interior ESA implementing regulations state that the Secretary shall promptly hold at least one public hearing if any person requests one within 45 days of publication of a proposed regulation to list a species or to designate critical habitat (see 50 CFR 424.16(c)(3)). We received a request for a public hearing to be held in the DC area. In addition to the 20 public hearings we held in Puerto Rico, the U.S. Virgin Islands, Florida, Hawaii, Guam, the Northern Mariana Islands, and American Samoa, we will hold an additional public hearing in Silver Spring, MD.

In past ESA rule-makings we have conducted traditional public hearings,

consisting of recorded oral testimony from interested individuals. This format, although providing a means for public input, does not provide opportunities for dialogue and information exchange. We believe that the traditional public hearing format can be improved upon by also including a brief presentation on the results of the status review of 83 species of reef-building corals and other topics of interest.

The preferred means for providing public comment to the official record is via written testimony prepared in advance of the hearing which may also be presented orally. Blank “comment sheets” will be provided at the hearing for those without prepared written comments, and opportunity will also be provided for additional oral testimony. There is no need to register for this hearing.

In scheduling this additional public hearing, we have anticipated that many affected stakeholders and members of the public may prefer to discuss the proposed listing directly with staff during the public comment period. However, this public hearing is not the only opportunity for the public to provide input on this proposal. The public and stakeholders are encouraged to continue to comment and provide input to NMFS on the proposal (via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov), correspondence, or fax; see **ADDRESSES**) up until the scheduled close of the comment period on April 6, 2013.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: February 19, 2013.

**Helen M. Golde,**

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2013–04150 Filed 2–22–13; 8:45 am]

**BILLING CODE 3510–22–P**

#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

##### **50 CFR Part 622**

**RIN 0648–BC38**

##### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Caribbean Fishery Management Council (Council) has submitted Amendment 4 to the Fishery Management Plan (FMP) for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (USVI) (Coral FMP) for review, approval, and implementation by NMFS. Amendment 4 to the Coral FMP proposes to modify management of seagrasses in the U.S. Caribbean exclusive economic zone (EEZ). The intent of Amendment 4 to the Coral FMP is to address the future management of seagrasses in the U.S. Caribbean EEZ in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Written comments must be received on or before April 26, 2013.

**ADDRESSES:** You may submit comments on Amendment 4 to the Coral FMP, identified by “NOAA–NMFS–2013–0021”, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA–NMFS–2013–0021](http://www.regulations.gov/#/docketDetail;D=NOAA–NMFS–2013–0021), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Maria del Mar Lopez, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the amendment may be obtained from the Southeast Regional Office Web site at: <http://sero.nmfs.noaa.gov/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Maria del Mar Lopez, Southeast Regional Office, NMFS, telephone: 727–824–5305, email: [Maria.Lopez@noaa.gov](mailto:Maria.Lopez@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Seagrasses in the EEZ off Puerto Rico and the USVI are managed under the Coral FMP. The Coral FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

### Background

The Magnuson-Stevens Act requires the establishment of annual catch limits (ACLs) and accountability measures (AMs) to end overfishing and prevent overfishing from occurring. Annual catch limits are levels of annual catch of a stock or stock complex that are set to prevent overfishing from occurring. Accountability measures are management controls to prevent ACLs from being exceeded, and to correct or mitigate overages of the ACL if they occur.

To address the requirements of the Magnuson-Stevens Act, NMFS published a final rule to implement the 2011 Caribbean ACL Amendment on December 30, 2011 (76 FR 82414), which included Amendment 3 to the Coral FMP. However, ACLs and AMs for seagrasses, which are included in the Coral FMP, were not established at that time. In Amendment 4 to the Coral FMP, the Council considered whether to set an ACL for seagrasses, designate seagrasses as ecosystem component (EC) species, or remove seagrasses from the Coral FMP.

### Action Contained in the Amendment

Amendment 4 to the Coral FMP proposes to modify the management of seagrass species included in the Coral FMP. The Coral FMP currently includes four individual species of seagrasses: turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), shoal grass (*Halodule wrightii*), widgeon grass (*Ruppia maritima*), and one group of species, the sea vines (*Halophila* spp., including *H. decipiens*, *H. baillonis*, *H. engelmannii*, and *H. stipulacea* (exotic)), all of which occur in U.S. Caribbean waters. Seagrasses were included in 1994 as members of the coral reef resources fishery management unit (FMU) of the Coral FMP. The Coral FMP defined the coral reef resources FMU to include a vast array of plants and invertebrates that provide habitats that are essential to the growth, development, and survival of managed finfish and other marine organisms.

The location, presence, and distribution of seagrasses in the EEZ are not well known. The best available scientific information indicates that the vast majority of seagrasses occur in shallower waters of Puerto Rico and the USVI due to depth associated light limitations found in the EEZ. Both Puerto Rico and the USVI regulate activities involving seagrasses through their respective coastal zone management programs. Seagrasses have been identified as essential fish habitat (EFH) for stocks within the four Council FMPs (Reef Fish, Queen Conch, Spiny Lobster, and Coral). Essential fish habitat is defined by the Magnuson-Stevens Act as those waters and substrates necessary to fish for spawning, breeding, feeding or for growth to maturity. Additionally, seagrasses have also been identified as habitat areas of particular concern (HAPC) within special areas in Puerto Rico commonwealth and USVI territorial waters (state waters).

There is presently no known targeted or indirect harvest of any of the seagrass species included in the Coral FMP, either from the EEZ or from state waters, and future harvest is not anticipated.

In Amendment 4 to the Coral FMP, the Council considered whether to take no action, set an ACL for seagrasses, designate seagrasses as EC species, or remove seagrasses from the Coral FMP. The Magnuson-Stevens Act's National Standard 7 guidelines (50 CFR 600.340) require Councils to prepare FMPs only for overfished fisheries and other fisheries where regulation would serve some useful purpose, and where the present or future benefit of regulation would justify the costs. Because there is no known harvest of seagrass species, and these species occur predominantly in state waters, the Council determined that Federal management of seagrasses is unnecessary. Further, removing seagrasses from the Coral FMP would not affect the designation of seagrasses as EFH and HAPC for stocks within the Queen Conch Resources of Puerto Rico and the USVI FMP, Reef Fish Fishery of Puerto Rico and the USVI FMP, FMP for the Spiny Lobster Fishery of Puerto Rico and the USVI, and Coral FMP. Seagrasses would continue to be protected by these designations, which require, among other things, that FMPs to minimize to the extent practicable adverse effects on EFH caused by fishing. In addition, other management measures currently in place, such as gear restrictions and closed areas, would continue protection to these important habitats.

**Proposed Rule for Amendment 4 to the Coral FMP**

A proposed rule that would implement Amendment 4 to the Coral FMP has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating Amendment 4 to the Coral FMP to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If the determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

**Consideration of Public Comments**

The Council submitted Amendment 4 to the Coral FMP for Secretarial review, approval, and implementation. NMFS' decision to approve, partially approve, or disapprove Amendment 4 to the Coral FMP will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability.

Comments received by April 26, 2013, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: February 20, 2013.

**Kara Meckley,**

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

[FR Doc. 2013-04266 Filed 2-22-13; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 121101598-3124-01]

**RIN 0648-XC334**

**Atlantic Highly Migratory Species; North and South Atlantic 2013 Commercial Swordfish Quotas**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed rule would adjust the 2013 fishing season quotas for North and South Atlantic swordfish based upon 2012 commercial quota underharvests and international quota transfers consistent with the International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendations 11-02 and 12-01. This proposed rule could affect commercial and recreational fishing for swordfish in the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico. This action implements ICCAT recommendations, consistent with the Atlantic Tunas Convention Act (ATCA), and furthers domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Written comments must be received by 5 p.m., local time, on March 27, 2013.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2013-0030, by any of the following methods:

**Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0030](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0030), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

**Mail:** Submit written comments to Margo Schulze-Haugen, NMFS/SF1, 1315 East West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

**Fax:** 301-713-1917, Phone: 301-427-8503; **Attn:** Margo Schulze-Haugen.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

NMFS will hold one public hearing on this proposed rule on March 14, 2013. The public hearing will be held in Silver Spring, MD and may be combined with a hearing for another relevant action. For specific location, date, and

time, see the **SUPPLEMENTARY INFORMATION** section of this document.

Copies of the supporting documents—including the 2012 Environmental Assessment (EA), Regulatory Impact Review (RIR), and Initial Regulatory Flexibility Analysis (IRFA) for North Atlantic swordfish, the 2007 EA, RIR, and IRFA for South Atlantic swordfish, and the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan—are available from the HMS Management Division Web site at <http://www.nmfs.noaa.gov/sfa/hms/> or by contacting Jennifer Cudney by phone at 301-427-8503 or Steve Durkee by phone at 202-670-6637.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Cudney by phone at 301-427-8503 or Steve Durkee by phone at 202-670-6637, or by fax: 301-713-1917.

**SUPPLEMENTARY INFORMATION:****Background**

The U.S. Atlantic swordfish fishery is managed under the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). Implementing regulations at 50 CFR part 635 are issued under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*, and ATCA, 16 U.S.C. 971 *et seq.* The United States implements ICCAT recommendations under ATCA, through regulations as may be necessary and appropriate.

**North Atlantic Swordfish Quota**

At the 2011 ICCAT meeting, Recommendation 11-02 was adopted, maintaining the North Atlantic swordfish total allowable catch (TAC) of 10,301 metric tons (mt) dressed weight (dw) (13,700 mt whole weight (ww)) through 2013. Of this TAC, the United States baseline quota is 2,937.6 mt dw (3,907 mt ww) per year. ICCAT Recommendation 11-02 also includes a 112.8 mt dw (150 mt ww) annual quota transfer from the United States to Morocco and limits allowable underharvest carryover to 25 percent of a contracting party's baseline quotas. Therefore, the United States may carry over a maximum of 734.4 mt dw (976.8 mt ww) of underharvest from the previous year (2012) to be added to the 2013 baseline quota. This proposed rule would adjust the U.S. baseline quota for the 2013 fishing year to account for the annual quota transfer to Morocco and the 2012 underharvest.

The 2013 North Atlantic swordfish baseline quota is 2,937.6 mt dw (3,907 mt ww). The preliminary North Atlantic swordfish underharvest for 2012 was 1,209.4 mt dw (1,608.5 mt ww) as of December 31, 2012, which exceeds the