Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to another address or individual, or received after the end of the comment period, may not be considered. All comments received are part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. 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 or Excel, WordPerfect, or Adobe PDF file formats only.


SUPPLEMENTARY INFORMATION:

Background
On May 3, 2012, NMFS published an ANPR (77 FR 26238) to provide background information and to request public comment on potential adjustments to the National Standard 1 Guidelines. The ANPR provides the public with a formal opportunity to comment on the specific ideas mentioned in the ANPR, as well as any additional ideas and solutions that could improve provisions of the National Standard 1 Guidelines. NMFS received a request from the Western Pacific Regional Fishery Management Council on behalf of all eight regional councils, to extend the comment period on the ANPR to September 15, 2012, to give the Councils more time to discuss the issues in the ANPR with their advisors, fishing industries and among themselves, in order to provide NMFS with comprehensive and significant comments on the ANPR. NMFS has considered this request and concludes that a 45-day extension is appropriate.

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

Dated: June 27, 2012.

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs, Performing the Functions and Duties of the Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2012–16343 Filed 7–2–12; 8:45 am]
The SEDAR 9 Update indicated that the Assessment, and Review (SEDAR) stock fishing year. Additionally, in the event of a quota overage, the respective sector’s quota will be reduced in the following fishing year by the amount of the respective sector’s quota overage in the prior fishing year.

**Status of Stock**

In 2010, the Southeast Data, Assessment, and Review (SEDAR) stock assessment update (SEDAR 9 Update) was conducted for greater amberjack. The SEDAR 9 Update indicated that the greater amberjack stock was both overfished and undergoing overfishing. In January 2011, the Council’s Science and Statistical Committee (SSC) reviewed the update assessment, determined the assessment to be the best scientific information available, and accepted its conclusions that the stock was undergoing overfishing and is overfished. However, the SSC rejected as unreliable the absolute values that resulted in the conclusions and rejected the assessment’s yield projections. Therefore, instead of relying on assessment projections to set the greater amberjack overfishing limit (OFL) and acceptable biological catch (ABC), the SSC used the ABC control rule adopted by the Council in the Generic Annual Catch Limit/Accountability Measure Amendment (Generic ACL Amendment (76 FR 82044, December 29, 2011)). The SSC recommended that the greater amberjack ABC for the next 3 years (2011–2013) be set at 1,780,000 lb (807,394 kg), which is 75 percent of the 2000–2009 commercial and recreational landings mean. The Council was notified of the greater amberjack stock status determination in October of 2011. A new benchmark assessment for greater amberjack is scheduled to occur in 2013.

**Actions Contained in Amendment 35**

Amendment 35 proposes to modify the greater amberjack rebuilding plan, establish greater amberjack sector ACLs and ACTs (which are expressed as quotas in the regulatory text), revise the greater amberjack sector AMs, and establish a greater amberjack commercial trip limit.

**Modifications to the Greater Amberjack Rebuilding Plan**

The 10-year greater amberjack rebuilding plan ends in 2012. This action would modify the rebuilding plan in response to the results from the SEDAR 9 Update (2010), subsequent SSC review and SSC recommendations for the greater amberjack ABC. After reviewing the SEDAR 9 Update (2010) and to emphasize the need for a new benchmark stock assessment, the SSC recommended a constant ABC of 1,780,000 lb (807,394 kg), for a 3-year time period starting in 2011. The new stock ACL that would be established in Amendment 35 would equal the ABC and remain in effect unless changed in a subsequent amendment or framework action, but not prior to the next assessment which occurs in 2013. NMFS believes that ABC recommendations and management measures implemented by the Council will provide the reduction in greater amberjack fishing mortality necessary to end overfishing and rebuild the greater amberjack stock. When the new stock assessment is completed NMFS and the Council will be able to confirm that the greater amberjack stock has met its rebuilding schedule.

**ACLs and ACTs**

An ACT is a management target established for a fishery to account for management uncertainty in controlling the actual catch at or below the ACL, and is used to assist in the ACL not being exceeded. Therefore, a sector ACT should be set with a buffer below the sector ACL, so that the appropriate sector may be closed when the ACT is projected to be reached.

Amendment 35 would establish the greater amberjack ACL equal to the ABC, and set the ACT less than the ACL to account for management uncertainty. The greater amberjack stock ACL would be set at 1,780,000 lb (807,394 kg), and the stock ACT would be set at 1,539,000 lb (698,079 kg). Based on a 27 percent commercial and a 73 percent recreational allocation, the commercial sector ACL would be set at 481,000 lb (218,178 kg), and the recreational sector ACL would be set at 1,299,000 lb (589,116 kg), respectively. The commercial ACT would be set at 409,000 lb (185,519 kg), based on a 15 percent reduction of the ACL to account for management uncertainty. The recreational ACT would be set at 1,130,000 lb (512,559 kg), based upon a 13 percent reduction of the ACL to account for management uncertainty.

**AMs**

Amendment 35 proposes to modify the greater amberjack AMs, based on the sector ACLs and ACTs. Through Amendment 35, if the sector ACT is reached or projected to be reached, the appropriate sector would be closed to fishing for the remainder of the fishing year. Post-season AMs, such as overage adjustments, would only occur if the respective sector ACL was exceeded. Any ACL overage by a sector would then reduce both the respective sector’s ACL and ACT the following year by the amount of the sector ACL overage in the prior fishing year.

**Other Recreational Management Measures**

Amendment 35 also contains actions to consider a modification to the greater amberjack recreational minimum size limit and recreational sector’s closed season. As decided by the Council, the current greater amberjack recreational sector minimum size limit of 30 inches (76 cm) and the recreational sector
closed season of June through July would not be modified in Amendment 35.

Other Commercial Management Measures

Amendment 35 contains actions to modify the commercial closed season and establish a commercial trip limit. In Amendment 35, the Council decided not to modify the current March through May commercial seasonal closure that was established to protect spawning aggregations of greater amberjack. However, Amendment 35 would establish a 2,000-lb (907–kg) commercial trip limit to help extend the commercial sector fishing season.

Proposed Rule for Amendment 35

A proposed rule that would implement Amendment 35 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating Amendment 35 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 35 for Secretarial review, approval, and implementation. NMFS’ decision to approve, partially approve, or disapprove Amendment 35 will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability.

Public comments received by 5 p.m. eastern time, on September 4, 2012, will be considered by NMFS in the approval/disapproval decision regarding Amendment 35.

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

Dated: June 28, 2012.

James P. Burgess,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012–16341 Filed 7–2–12; 8:45 am]

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