

No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, NMFS has prepared a brochure summarizing fishery information and regulations for Atlantic tuna fisheries for 2012. This brochure also serves as the small entity compliance guide. Copies of the compliance guide are available from NMFS (see **ADDRESSES**).

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: July 24, 2012.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 640

[Docket No. 110908576-2240-02]

RIN 0648-BB44

#### Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 11

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 11 to the Fishery Management Plan for the Spiny Lobster Fishery in the Gulf of Mexico and South Atlantic (FMP), as prepared and submitted by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). This final rule limits spiny lobster trap fishing in certain areas in the exclusive economic zone (EEZ) off the Florida Keys to

protect threatened species of corals and addresses the requirements of a 2009 Endangered Species Act (ESA) biological opinion on the spiny lobster fishery.

**DATES:** This rule is effective August 27, 2012.

**ADDRESSES:** Electronic copies of Amendment 11, which includes a supplemental environmental impact statement and a regulatory flexibility analysis, may be obtained from the Southeast Regional Office Web site at [http://sero.nmfs.noaa.gov/sf/pdfs/Final\\_Spiny\\_Lobster\\_Amend\\_11\\_April\\_05\\_2012.pdf](http://sero.nmfs.noaa.gov/sf/pdfs/Final_Spiny_Lobster_Amend_11_April_05_2012.pdf).

**FOR FURTHER INFORMATION CONTACT:**

Susan Gerhart, telephone: 727-824-5305, or email: [Susan.Gerhart@noaa.gov](mailto:Susan.Gerhart@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The spiny lobster fishery of the Gulf of Mexico (Gulf) and the South Atlantic is managed under the FMP. The FMP was prepared by the Councils and implemented through regulations at 50 CFR parts 622 and 640 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

A 2009 ESA biological opinion on the continued authorization of the spiny lobster fishery contained specific terms and conditions required to implement the prescribed reasonable and prudent measures and requires NMFS and the Councils to work together to protect areas of staghorn and elkhorn coral. This final rule addresses the required measure to create new or expand existing closed areas for lobster trap fishing where colonies of these threatened species are present.

On September 19, 2011, NMFS published a notice of intent to prepare a supplemental environmental impact statement for Amendment 11 and requested public comment (76 FR 57958). On April 27, 2012, NMFS published a notice of availability for Amendment 11 and requested public comment (77 FR 25116). On May 15, 2012, NMFS published a proposed rule for Amendment 11 and requested comment (77 FR 28560). The proposed rule and Amendment 11 outline the rationale for the action contained in this final rule. A summary of the action being implemented by this final rule is provided below.

This final rule prohibits spiny lobster trap fishing in 60 closed areas that cover a total of 5.9 mi<sup>2</sup> (15.3 km<sup>2</sup>), distributed throughout the South Atlantic EEZ off the Florida Keys. These areas were chosen to protect threatened coral colonies with high conservation value and areas of high coral density. The

closed areas meet the applicable requirements of the 2009 ESA biological opinion.

#### Comments and Responses

NMFS received five public comment submissions on Amendment 11 and the proposed rule, including three comments from individuals. Two Federal agencies stated they had no comment on the rule. Specific comments related to the actions contained in Amendment 11 and the proposed rule, as well as NMFS' respective responses, are summarized below.

*Comment 1:* Lobster trapping destroys reefs and should be prohibited.

*Response:* Amendment 11 does not address the general use of traps in the lobster fishery. The purpose of Amendment 11 is to implement the specific terms and conditions of the 2009 ESA biological opinion, one of which is to create new or expand existing closed areas to protect elkhorn and staghorn coral. The purpose of this final rule is to implement Amendment 11 and is not intended to address all possible management measures for the lobster fishery as a whole. The prohibition of lobster trap fishing in the 60 areas implemented through Amendment 11 will help protect reefs in the designated areas. As explained in Amendment 11, these areas were selected by identifying elkhorn and staghorn coral colonies and applying six general criteria to choose the areas that will provide the greatest benefit. In consultation with various stakeholders, NMFS and the Councils selected areas to be closed to lobster trap fishing that protect threatened coral colonies with high conservation value and areas of high coral density.

*Comment 2:* Closing areas to lobster trap fishing is long overdue.

*Response:* The measures contained in this final rule were developed to meet specific terms and conditions of the 2009 ESA biological opinion. NMFS and the Councils gathered data on identified elkhorn and staghorn coral colonies, then worked with fishermen, scientists, and managers to select areas to close to lobster trap fishing. This collaborative and deliberative process took time, but is intended to ensure that the areas selected will protect elkhorn and staghorn coral with the highest conservation value without overly restricting access to lobster fishing areas.

#### Classification

The Regional Administrator, Southeast Region, NMFS has determined that this final rule is

necessary for the conservation and management of protected species described within Amendment 11, and is consistent with the FMP, the 2009 ESA biological opinion, the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here.

No substantive comments were received on the certification provided in the proposed rule (77 FR 28560, May 15, 2012). No changes to the final rule were made in response to public comments. As a result, a final regulatory flexibility analysis was not required and none was prepared.

**List of Subjects in 50 CFR Part 640**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 23, 2012.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 640 is amended as follows:

**PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC**

■ 1. The authority citation for part 640 continues to read as follows:

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

■ 2. In § 640.7, paragraph (y) is added to read as follows:

**§ 640.7 Prohibitions.**

\* \* \* \* \*

(y) Fish for a spiny lobster using trap gear in the areas specified in § 640.22(b)(4).

■ 3. In § 640.22, paragraph (b)(4) is added to read as follows:

**§ 640.22 Gear and diving restrictions.**

\* \* \* \* \*

(b) \* \* \*

(4) Fishing with spiny lobster trap gear is prohibited year-round in the following areas bounded by rhumb lines connecting, in order, the points listed.

(i) Lobster Trap Gear Closed Area 1.

Point	North Lat.	West Long.
A .....	24°31'15.002"	81°31'00.000"
B .....	24°31'15.002"	81°31'19.994"
C .....	24°31'29.999"	81°31'19.994"
D .....	24°31'29.999"	81°31'00.000"
A .....	24°31'15.002"	81°31'00.000"

(ii) Lobster Trap Gear Closed Area 2.

Point	North Lat.	West Long.
A .....	24°31'20.205"	81°30'17.213"
B .....	24°31'17.858"	81°30'27.700"
C .....	24°31'27.483"	81°30'30.204"
D .....	24°31'29.831"	81°30'19.483"
A .....	24°31'20.205"	81°30'17.213"

(iii) Lobster Trap Gear Closed Area 3.

Point	North Lat.	West Long.
A .....	24°31'42.665"	81°30'02.892"
B .....	24°31'45.013"	81°29'52.093"
C .....	24°31'34.996"	81°29'49.745"
D .....	24°31'32.335"	81°30'00.466"
A .....	24°31'42.665"	81°30'02.892"

(iv) Lobster Trap Gear Closed Area 4.

Point	North Lat.	West Long.
A .....	24°31'50.996"	81°28'39.999"
B .....	24°31'50.996"	81°29'03.002"
C .....	24°31'56.998"	81°29'03.002"
D .....	24°31'56.998"	81°28'39.999"
A .....	24°31'50.996"	81°28'39.999"

(v) Lobster Trap Gear Closed Area 5.

Point	North Lat.	West Long.
A .....	24°32'20.014"	81°26'20.390"
B .....	24°32'13.999"	81°26'41.999"
C .....	24°32'27.004"	81°26'45.611"
D .....	24°32'33.005"	81°26'23.995"
A .....	24°32'20.014"	81°26'20.390"

(vi) Lobster Trap Gear Closed Area 6.

Point	North Lat.	West Long.
A .....	24°32'30.011"	81°24'47.000"
B .....	24°32'23.790"	81°24'56.558"
C .....	24°32'45.997"	81°25'10.998"
D .....	24°32'52.218"	81°25'01.433"
A .....	24°32'30.011"	81°24'47.000"

(vii) Lobster Trap Gear Closed Area 7.

Point	North Lat.	West Long.
A .....	24°32'46.834"	81°27'17.615"
B .....	24°32'41.835"	81°27'35.619"
C .....	24°32'54.003"	81°27'38.997"
D .....	24°32'59.002"	81°27'21.000"
A .....	24°32'46.834"	81°27'17.615"

(viii) Lobster Trap Gear Closed Area 8.

Point	North Lat.	West Long.
A .....	24°33'10.002"	81°25'50.995"
B .....	24°33'04.000"	81°26'18.996"

Point	North Lat.	West Long.
C .....	24°33'17.253"	81°26'21.839"
D .....	24°33'23.254"	81°25'53.838"
A .....	24°33'10.002"	81°25'50.995"

(ix) Lobster Trap Gear Closed Area 9.

Point	North Lat.	West Long.
A .....	24°33'22.004"	81°30'31.998"
B .....	24°33'22.004"	81°30'41.000"
C .....	24°33'29.008"	81°30'41.000"
D .....	24°33'29.008"	81°30'31.998"
A .....	24°33'22.004"	81°30'31.998"

(x) Lobster Trap Gear Closed Area 10.

Point	North Lat.	West Long.
A .....	24°33'33.004"	81°30'00.000"
B .....	24°33'33.004"	81°30'09.998"
C .....	24°33'41.999"	81°30'09.998"
D .....	24°33'41.999"	81°30'00.000"
A .....	24°33'33.004"	81°30'00.000"

(xi) Lobster Trap Gear Closed Area 11.

Point	North Lat.	West Long.
A .....	24°33'50.376"	81°23'35.039"
B .....	24°33'27.003"	81°24'51.003"
C .....	24°33'40.008"	81°24'54.999"
D .....	24°34'03.382"	81°23'39.035"
A .....	24°33'50.376"	81°23'35.039"

(xii) Lobster Trap Gear Closed Area 12.

Point	North Lat.	West Long.
A .....	24°34'00.003"	81°19'29.996"
B .....	24°34'00.003"	81°20'04.994"
C .....	24°34'24.997"	81°20'04.994"
D .....	24°34'24.997"	81°19'29.996"
A .....	24°34'00.003"	81°19'29.996"

(xiii) Lobster Trap Gear Closed Area 13.

Point	North Lat.	West Long.
A .....	24°35'19.997"	81°14'25.002"
B .....	24°35'19.997"	81°14'34.999"
C .....	24°35'29.006"	81°14'34.999"
D .....	24°35'29.006"	81°14'25.002"
A .....	24°35'19.997"	81°14'25.002"

(xiv) Lobster Trap Gear Closed Area 14.

Point	North Lat.	West Long.
A .....	24°44'37.004"	80°46'47.000"
B .....	24°44'37.004"	80°46'58.000"
C .....	24°44'47.002"	80°46'58.000"
D .....	24°44'47.002"	80°46'47.000"
A .....	24°44'37.004"	80°46'47.000"

(xv) Lobster Trap Gear Closed Area 15.

Point	North Lat.	West Long.
A .....	24°49'53.946"	80°38'17.646"
B .....	24°48'32.331"	80°40'15.530"
C .....	24°48'44.389"	80°40'23.879"
D .....	24°50'06.004"	80°38'26.003"
A .....	24°49'53.946"	80°38'17.646"

(xvi) Lobster Trap Gear Closed Area 16.

Point	North Lat.	West Long.
A .....	24°53'32.085"	80°33'22.065"
B .....	24°53'38.992"	80°33'14.670"
C .....	24°53'31.673"	80°33'07.155"
D .....	24°54'24.562"	80°33'14.886"
A .....	24°53'32.085"	80°33'22.065"

(xvii) Lobster Trap Gear Closed Area 17.

Point	North Lat.	West Long.
A .....	24°53'33.410"	80°32'50.247"
B .....	24°53'40.149"	80°32'42.309"
C .....	24°53'32.418"	80°32'35.653"
D .....	24°54'25.348"	80°32'43.302"
A .....	24°53'33.410"	80°32'50.247"

(xviii) Lobster Trap Gear Closed Area 18.

Point	North Lat.	West Long.
A .....	24°54'06.317"	80°32'34.115"
B .....	24°53'59.368"	80°33'41.542"
C .....	24°54'06.667"	80°33'48.994"
D .....	24°54'13.917"	80°32'41.238"
A .....	24°54'06.317"	80°32'34.115"

(xix) Lobster Trap Gear Closed Area 19.

Point	North Lat.	West Long.
A .....	24°54'06.000"	80°31'33.995"
B .....	24°54'06.000"	80°31'45.002"
C .....	24°54'36.006"	80°31'45.002"
D .....	24°54'36.006"	80°31'33.995"
A .....	24°54'06.000"	80°31'33.995"

(xx) Lobster Trap Gear Closed Area 20.

Point	North Lat.	West Long.
A .....	24°56'21.104"	80°28'52.331"
B .....	24°56'17.012"	80°29'05.995"
C .....	24°56'26.996"	80°29'08.996"
D .....	24°56'31.102"	80°28'55.325"
A .....	24°56'21.104"	80°28'52.331"

(xxi) Lobster Trap Gear Closed Area 21.

Point	North Lat.	West Long.
A .....	24°56'53.006"	80°27'46.997"
B .....	24°56'21.887"	80°28'25.367"
C .....	24°56'35.002"	80°28'36.003"
D .....	24°57'06.107"	80°27'57.626"
A .....	24°56'53.006"	80°27'46.997"

(xxii) Lobster Trap Gear Closed Area 22.

Point	North Lat.	West Long.
A .....	24°57'35.001"	80°27'14.999"
B .....	24°57'28.011"	80°27'21.000"
C .....	24°57'33.999"	80°27'27.997"
D .....	24°57'40.200"	80°27'21.106"
A .....	24°57'35.001"	80°27'14.999"

(xxiii) Lobster Trap Gear Closed Area 23.

Point	North Lat.	West Long.
A .....	24°58'58.154"	80°26'03.911"
B .....	24°58'48.005"	80°26'10.001"
C .....	24°58'52.853"	80°26'18.090"
D .....	24°59'03.002"	80°26'11.999"
A .....	24°58'58.154"	80°26'03.911"

(xxiv) Lobster Trap Gear Closed Area 24.

Point	North Lat.	West Long.
A .....	24°59'17.009"	80°24'32.999"
B .....	24°58'41.001"	80°25'21.998"
C .....	24°58'57.591"	80°25'34.186"
D .....	24°59'33.598"	80°24'45.187"
A .....	24°59'17.009"	80°24'32.999"

(xxv) Lobster Trap Gear Closed Area 25.

Point	North Lat.	West Long.
A .....	24°59'44.008"	80°25'38.999"
B .....	24°59'27.007"	80°25'48.997"
C .....	24°59'32.665"	80°25'58.610"
D .....	24°59'49.666"	80°25'48.612"
A .....	24°59'44.008"	80°25'38.999"

(xxvi) Lobster Trap Gear Closed Area 26.

Point	North Lat.	West Long.
A .....	25°01'00.006"	80°21'55.002"
B .....	25°01'00.006"	80°22'11.996"
C .....	25°01'18.010"	80°22'11.996"
D .....	25°01'18.010"	80°21'55.002"
A .....	25°01'00.006"	80°21'55.002"

(xxvii) Lobster Trap Gear Closed Area 27.

Point	North Lat.	West Long.
A .....	25°01'34.997"	80°23'12.998"
B .....	25°01'18.010"	80°23'44.000"
C .....	25°01'22.493"	80°23'46.473"
D .....	25°01'36.713"	80°23'37.665"
E .....	25°01'46.657"	80°23'19.390"
A .....	25°01'34.997"	80°23'12.998"

(xxviii) Lobster Trap Gear Closed Area 28.

Point	North Lat.	West Long.
A .....	25°01'38.005"	80°21'25.998"
B .....	25°01'28.461"	80°21'46.158"

Point	North Lat.	West Long.
C .....	25°01'45.009"	80°21'53.999"
D .....	25°01'54.553"	80°21'33.839"
A .....	25°01'38.005"	80°21'25.998"

(xxix) Lobster Trap Gear Closed Area 29.

Point	North Lat.	West Long.
A .....	25°01'53.001"	80°23'08.995"
B .....	25°01'53.001"	80°23'17.997"
C .....	25°02'01.008"	80°23'17.997"
D .....	25°02'01.008"	80°23'08.995"
A .....	25°01'53.001"	80°23'08.995"

(xxx) Lobster Trap Gear Closed Area 30.

Point	North Lat.	West Long.
A .....	25°02'20.000"	80°22'11.001"
B .....	25°02'10.003"	80°22'50.002"
C .....	25°02'22.252"	80°22'53.140"
D .....	25°02'32.250"	80°22'14.138"
A .....	25°02'20.000"	80°22'11.001"

(xxxi) Lobster Trap Gear Closed Area 31.

Point	North Lat.	West Long.
A .....	25°02'29.503"	80°20'30.503"
B .....	25°02'16.498"	80°20'43.501"
C .....	25°02'24.999"	80°20'52.002"
D .....	25°02'38.004"	80°20'38.997"
A .....	25°02'29.503"	80°20'30.503"

(xxxii) Lobster Trap Gear Closed Area 32.

Point	North Lat.	West Long.
A .....	25°02'34.008"	80°21'57.000"
B .....	25°02'34.008"	80°22'14.997"
C .....	25°02'50.007"	80°22'14.997"
D .....	25°02'50.007"	80°21'57.000"
A .....	25°02'34.008"	80°21'57.000"

(xxxiii) Lobster Trap Gear Closed Area 33.

Point	North Lat.	West Long.
A .....	25°03'11.294"	80°21'36.864"
B .....	25°03'02.540"	80°21'43.143"
C .....	25°03'08.999"	80°21'51.994"
D .....	25°03'17.446"	80°21'45.554"
A .....	25°03'11.294"	80°21'36.864"

(xxxiv) Lobster Trap Gear Closed Area 34.

Point	North Lat.	West Long.
A .....	25°03'30.196"	80°21'34.263"
B .....	25°03'39.267"	80°21'29.506"
C .....	25°03'35.334"	80°21'19.801"
D .....	25°03'26.200"	80°21'24.304"
A .....	25°03'30.196"	80°21'34.263"

(xxxv) Lobster Trap Gear Closed Area 35.

Point	North Lat.	West Long.
A .....	25°03'26.001"	80°19'43.001"
B .....	25°03'26.001"	80°19'54.997"
C .....	25°03'41.011"	80°19'54.997"
D .....	25°03'41.011"	80°19'43.001"
A .....	25°03'26.001"	80°19'43.001"

(xxxvi) Lobster Trap Gear Closed Area 36.

Point	North Lat.	West Long.
A .....	25°07'03.008"	80°17'57.999"
B .....	25°07'03.008"	80°18'10.002"
C .....	25°07'14.997"	80°18'10.002"
D .....	25°07'14.997"	80°17'57.999"
A .....	25°07'03.008"	80°17'57.999"

(xxxvii) Lobster Trap Gear Closed Area 37.

Point	North Lat.	West Long.
A .....	25°07'51.156"	80°17'27.910"
B .....	25°07'35.857"	80°17'37.091"
C .....	25°07'43.712"	80°17'50.171"
D .....	25°07'59.011"	80°17'40.998"
A .....	25°07'51.156"	80°17'27.910"

(xxxviii) Lobster Trap Gear Closed Area 38.

Point	North Lat.	West Long.
A .....	25°08'12.002"	80°17'09.996"
B .....	25°07'55.001"	80°17'26.997"
C .....	25°08'04.998"	80°17'36.995"
D .....	25°08'22.000"	80°17'20.000"
A .....	25°08'12.002"	80°17'09.996"

(xxxix) Lobster Trap Gear Closed Area 39.

Point	North Lat.	West Long.
A .....	25°08'18.003"	80°17'34.001"
B .....	25°08'18.003"	80°17'45.997"
C .....	25°08'29.003"	80°17'45.997"
D .....	25°08'29.003"	80°17'34.001"
A .....	25°08'18.003"	80°17'34.001"

(xl) Lobster Trap Gear Closed Area 40.

Point	North Lat.	West Long.
A .....	25°08'45.002"	80°15'50.002"
B .....	25°08'37.999"	80°15'56.998"
C .....	25°08'42.009"	80°16'00.995"
D .....	25°08'48.999"	80°15'53.998"
A .....	25°08'45.002"	80°15'50.002"

(xli) Lobster Trap Gear Closed Area 41.

Point	North Lat.	West Long.
A .....	25°08'58.007"	80°17'24.999"
B .....	25°08'58.007"	80°17'35.999"
C .....	25°09'09.007"	80°17'35.999"
D .....	25°09'09.007"	80°17'24.999"
A .....	25°08'58.007"	80°17'24.999"

(xlii) Lobster Trap Gear Closed Area 42.

Point	North Lat.	West Long.
A .....	25°09'10.999"	80°16'00.000"
B .....	25°09'10.999"	80°16'09.997"
C .....	25°09'20.996"	80°16'09.997"
D .....	25°09'20.996"	80°16'00.000"
A .....	25°09'10.999"	80°16'00.000"

(xliii) Lobster Trap Gear Closed Area 43.

Point	North Lat.	West Long.
A .....	25°09'28.316"	80°17'03.713"
B .....	25°09'14.006"	80°17'17.000"
C .....	25°09'21.697"	80°17'25.280"
D .....	25°09'36.006"	80°17'12.001"
A .....	25°09'28.316"	80°17'03.713"

(xliv) Lobster Trap Gear Closed Area 44.

Point	North Lat.	West Long.
A .....	25°10'00.011"	80°16'06.000"
B .....	25°10'00.011"	80°16'17.000"
C .....	25°10'09.995"	80°16'17.000"
D .....	25°10'09.995"	80°16'06.000"
A .....	25°10'00.011"	80°16'06.000"

(xlv) Lobster Trap Gear Closed Area 45.

Point	North Lat.	West Long.
A .....	25°10'29.002"	80°15'52.995"
B .....	25°10'29.002"	80°16'04.002"
C .....	25°10'37.997"	80°16'04.002"
D .....	25°10'37.997"	80°15'52.995"
A .....	25°10'29.002"	80°15'52.995"

(xlvi) Lobster Trap Gear Closed Area 46.

Point	North Lat.	West Long.
A .....	25°11'05.998"	80°14'25.997"
B .....	25°11'05.998"	80°14'38.000"
C .....	25°11'20.006"	80°14'38.000"
D .....	25°11'20.006"	80°14'25.997"
A .....	25°11'05.998"	80°14'25.997"

(xlvii) Lobster Trap Gear Closed Area 47.

Point	North Lat.	West Long.
A .....	25°12'00.998"	80°13'24.996"
B .....	25°11'43.008"	80°13'35.000"
C .....	25°11'48.007"	80°13'44.002"
D .....	25°12'06.011"	80°13'33.998"
A .....	25°12'00.998"	80°13'24.996"

(xlviii) Lobster Trap Gear Closed Area 48.

Point	North Lat.	West Long.
A .....	25°12'18.343"	80°14'32.768"
B .....	25°12'02.001"	80°14'44.001"
C .....	25°12'07.659"	80°14'52.234"

Point	North Lat.	West Long.
D .....	25°12'24.001"	80°14'41.001"
A .....	25°12'18.343"	80°14'32.768"

(xlix) Lobster Trap Gear Closed Area 49.

Point	North Lat.	West Long.
A .....	25°15'23.998"	80°12'29.000"
B .....	25°15'04.676"	80°12'36.120"
C .....	25°15'09.812"	80°12'50.066"
D .....	25°15'29.148"	80°12'42.946"
A .....	25°15'23.998"	80°12'29.000"

(l) Lobster Trap Gear Closed Area 50.

Point	North Lat.	West Long.
A .....	25°16'01.997"	80°12'32.996"
B .....	25°15'33.419"	80°12'52.394"
C .....	25°15'44.007"	80°13'08.001"
D .....	25°16'12.585"	80°12'48.597"
A .....	25°16'01.997"	80°12'32.996"

(li) Lobster Trap Gear Closed Area 51.

Point	North Lat.	West Long.
A .....	25°16'33.006"	80°13'30.001"
B .....	25°16'33.006"	80°13'41.001"
C .....	25°16'34.425"	80°13'41.026"
D .....	25°16'41.850"	80°13'37.475"
E .....	25°16'42.001"	80°13'30.001"
A .....	25°16'33.006"	80°13'30.001"

(lii) Lobster Trap Gear Closed Area 52.

Point	North Lat.	West Long.
A .....	25°17'04.715"	80°12'11.305"
B .....	25°16'17.007"	80°12'27.997"
C .....	25°16'23.997"	80°12'47.999"
D .....	25°17'11.705"	80°12'31.300"
A .....	25°17'04.715"	80°12'11.305"

(liii) Lobster Trap Gear Closed Area 53.

Point	North Lat.	West Long.
A .....	25°17'23.008"	80°12'40.000"
B .....	25°17'23.008"	80°12'49.997"
C .....	25°17'33.005"	80°12'49.997"
D .....	25°17'33.005"	80°12'40.000"
A .....	25°17'23.008"	80°12'40.000"

(liv) Lobster Trap Gear Closed Area 54.

Point	North Lat.	West Long.
A .....	25°20'57.996"	80°09'50.000"
B .....	25°20'57.996"	80°10'00.000"
C .....	25°21'07.005"	80°10'00.000"
D .....	25°21'07.005"	80°09'50.000"
A .....	25°20'57.996"	80°09'50.000"

(lv) Lobster Trap Gear Closed Area 55.

Point	North Lat.	West Long.
A .....	25°21'45.004"	80°09'51.998"

Point	North Lat.	West Long.
B .....	25°21'38.124"	80°09'56.722"
C .....	25°21'49.124"	80°10'12.728"
D .....	25°21'56.004"	80°10'07.997"
A .....	25°21'45.004"	80°09'51.998"

(lvi) Lobster Trap Gear Closed Area 56.

Point	North Lat.	West Long.
A .....	25°21'49.000"	80°09'21.999"
B .....	25°21'49.000"	80°09'31.996"
C .....	25°21'58.998"	80°09'31.996"
D .....	25°21'58.998"	80°09'21.999"
A .....	25°21'49.000"	80°09'21.999"

(lvii) Lobster Trap Gear Closed Area 57.

Point	North Lat.	West Long.
A .....	25°24'31.008"	80°07'36.997"
B .....	25°24'31.008"	80°07'48.999"
C .....	25°24'41.005"	80°07'48.999"
D .....	25°24'41.005"	80°07'36.997"
A .....	25°24'31.008"	80°07'36.997"

(lviii) Lobster Trap Gear Closed Area 58.

Point	North Lat.	West Long.
A .....	25°25'14.005"	80°07'27.995"
B .....	25°25'14.005"	80°07'44.001"
C .....	25°25'26.008"	80°07'44.001"
D .....	25°25'26.008"	80°07'27.995"
A .....	25°25'14.005"	80°07'27.995"

(lix) Lobster Trap Gear Closed Area 59.

Point	North Lat.	West Long.
A .....	25°35'13.996"	80°05'39.999"
B .....	25°35'13.996"	80°05'50.999"
C .....	25°35'24.007"	80°05'50.999"
D .....	25°35'24.007"	80°05'39.999"
A .....	25°35'13.996"	80°05'39.999"

(lx) Lobster Trap Gear Closed Area 60.

Point	North Lat.	West Long.
A .....	25°40'57.003"	80°05'43.000"
B .....	25°40'57.003"	80°05'54.000"
C .....	25°41'06.550"	80°05'53.980"
D .....	25°41'18.136"	80°05'49.158"
E .....	25°41'18.001"	80°05'43.000"
A .....	25°40'57.003"	80°05'43.000"

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 111213751-2102-02]

RIN 0648-XC119

**Fisheries of the Exclusive Economic Zone Off Alaska; Squid in the Bering Sea and Aleutian Islands Management Area**

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

**ACTION:** Temporary rule; apportionment of reserves; request for comments.

**SUMMARY:** NMFS apportions an amount of the non-specified reserve to the initial total allowable catch of squid in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI. **DATES:** Effective July 24, 2012, through 2400 hrs, Alaska local time, December 31, 2012. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, August 8, 2012.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2012-0147, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov). To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter NOAA-NMFS-2012-0147 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on that line.

- *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

- *Fax:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to 907-586-7557.

- *Hand delivery to the Federal Building:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn:

Ellen Sebastian. Deliver comments to 709 West 9th Street, Room 420A, Juneau, AK.

*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 any other address or individual, or received after the end of the comment period, may not be considered. 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) 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.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2012 initial total allowable catch (ITAC) of squid in the BSAI was established as 361 metric tons (mt) by the final 2012 and 2013 harvest specifications for groundfish of the BSAI (77 FR 10669, February 23, 2012). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITAC for squid in the BSAI needs to be supplemented from the non-specified reserve in order to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish 64 mt to the squid ITAC in the BSAI. This apportionment is consistent with § 679.20(b)(1)(i) and does not result in overfishing of a target species because the revised ITAC is equal to or less than