

procedural requirements for the Progress Report, a revision to the Regional Haze SIP in this case, are documented in Appendices C and D attached to the Report.

#### J. Public Participation

##### 1. NDEP's Public Process

NDEP provided a 30-day public comment period on the draft Progress Report as well as an opportunity for a public hearing. The public hearing, scheduled for October 15, 2014, was cancelled because no request for a hearing was received. During the public comment period, NDEP received one set of comments from the Sierra Club and National Parks Conservation Association in a letter dated October 16, 2014.<sup>52</sup> These organizations questioned whether NDEP's analysis supports its determination that progress in implementing the Nevada Regional Haze Implementation Plan is adequate to achieve the 2018 RPGs for Jarbidge and other Class I areas affected by Nevada's emissions. NDEP provided detailed responses to these comments in Appendix D of the Progress Report.

##### 2. EPA's Evaluation

EPA proposes to find that NDEP has fulfilled the requirements of CAA 110(a) and (l) and 40 CFR 51.102 regarding reasonable notice and public hearings.

#### VI. EPA's Proposed Action

EPA is proposing to approve the Nevada Regional Haze Progress Report submitted to EPA on November 18, 2014, as meeting the applicable requirements of the CAA and RHR.

#### VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations.<sup>53</sup> Thus, in reviewing SIP submissions, EPA's role is to approve state decisions, provided that they meet the criteria of the CAA. Accordingly, this proposed action is to approve state law as meeting Federal requirements, and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under

Executive Order 12866 (58 FR 51735, October 4, 1993);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not involve technical standards; and

- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Organic carbon, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Visibility, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: September 1, 2015.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

RIN 0648-BD76

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Dolphin and Wahoo Fishery Off the Atlantic States and Snapper-Grouper Fishery of the South Atlantic Region; Amendments 7/33

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

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

**SUMMARY:** The South Atlantic Fishery Management Council (Council) has submitted Amendment 7 to the Fishery Management Plan (FMP) for the Dolphin and Wahoo Fishery off the Atlantic States (Dolphin and Wahoo FMP) and Amendment 33 to the FMP for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP) (Amendments 7/33) for review, approval, and implementation by NMFS. Amendments 7/33 propose actions to revise the landing fish intact provisions for vessels that lawfully harvest dolphin, wahoo, or snapper-grouper in or from Bahamian waters and return to the U.S. exclusive economic zone (EEZ). The U.S. EEZ as described in this document refers to the Atlantic EEZ for dolphin and wahoo and the South Atlantic EEZ for snapper-grouper. The purpose of Amendments 7/33 is to improve the consistency and enforceability of Federal regulations with regards to landing fish intact and to increase the social and economic benefits related to the recreational harvest of these species.

**DATES:** Written comments must be received on or before November 16, 2015.

**ADDRESSES:** You may submit comments on Amendments 7/33 identified by "NOAA-NMFS-2015-0047" by any of the following methods:

- **Electronic submissions:** Submit electronic comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0047](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0047), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Nikhil Mehta, Southeast Regional

<sup>52</sup> The letter to Adele Malone, NDEP, is signed by David VonSeggern, Chair, Sierra Club Toiyabe Chapter; Gloria Smith, Managing Attorney, Sierra Club; and Lynn Davis, Senior Program Manager, Nevada Field Office, National Parks Conservation Association.

<sup>53</sup> 42 U.S.C. 7410(k); 40 CFR 52.02(a).

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).

Electronic copies of Amendments 7/33, which includes an environmental assessment, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/s\\_atl/generic/2015/dw7\\_sg33/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/generic/2015/dw7_sg33/index.html).

**FOR FURTHER INFORMATION CONTACT:**

Nikhil Mehta, Southeast Regional Office, telephone: 727-824-5305, or email: [nikhil.mehta@noaa.gov](mailto:nikhil.mehta@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

The dolphin and wahoo fishery is managed under the Dolphin and Wahoo FMP and the snapper-grouper fishery is managed under the Snapper-Grouper FMP. The FMPs were prepared by the Council and are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). 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**

Current Federal regulations require that dolphin or wahoo or snapper-grouper species harvested in or from the U.S. EEZ must be maintained with the heads and fins intact and not be in fillet form. However, as implemented through Amendment 8 to the Snapper-Grouper FMP, an exception applies to snapper-grouper species that are lawfully harvested in Bahamian waters and are onboard a vessel returning to the U.S. through the EEZ (63 FR 38298, July 16, 1998). Amendment 8 to the Snapper-Grouper FMP allows that in the South Atlantic EEZ, snapper-grouper lawfully harvested in Bahamian waters are exempt from the requirement that they

be maintained with head and fins intact, provided valid Bahamian fishing and cruising permits are on board the vessel and the vessel is in transit through the South Atlantic EEZ. A vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

The Bahamas does not allow for the commercial harvest of dolphin, wahoo, or snapper-grouper species by U.S. vessels in Bahamian waters. Therefore, the measures proposed in Amendments 7/33 only apply to the recreational harvest of these species in The Bahamas and on a vessel returning from Bahamian water to the U.S. EEZ.

**Actions Contained in Amendments 7/33**

Amendments 7/33 would revise the landing fish intact provisions for vessels that lawfully harvest dolphin, wahoo, and snapper-grouper in Bahamian waters and return to the U.S. EEZ. Amendments 7/33 would allow for dolphin and wahoo fillets to enter the U.S. EEZ after lawful harvest in Bahamian waters; specify the condition of any dolphin, wahoo, and snapper-grouper fillets; describe how the recreational bag limit would be determined for any fillets; explicitly prohibit the sale or purchase of any dolphin, wahoo, or snapper-grouper recreationally harvested in Bahamian waters; specify the required documentation to be onboard any vessels that have these fillets, and specify transit and stowage provisions for any vessels with these fillets.

*Landing Fish Intact*

Currently, all dolphin and wahoo in or from the Atlantic EEZ are required to be maintained with head and fins intact. These fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. Amendments 7/33 would allow for dolphin and wahoo lawfully harvested in Bahamian waters to be exempt from this provision when returning to the Atlantic EEZ. Dolphin or wahoo lawfully harvested in or from Bahamian waters would be able to be stored on ice more effectively for transit through the U.S. EEZ in fillet form, given the coolers generally used on recreational vessels. Allowing fishers on these vessels to be exempt from the landing fish intact regulations would increase the social and economic benefits for recreational fishers returning to the U.S. EEZ from Bahamian waters. This proposed exemption would also allow for increased consistency between the dolphin and wahoo and snapper-

grouper regulations. This proposed action would not be expected to substantially increase recreational fishing pressure or otherwise change recreational fishing behavior, because these species would not be exempt from U.S. recreational bag limits, fishing seasons, size limits, or other management measures in place in the U.S. EEZ, including prohibited species (e.g., goliath grouper and Nassau grouper). Therefore, the Council and NMFS anticipate that there are likely to be neither positive nor negative additional biological effects to these species.

Snapper-grouper possessed in the South Atlantic EEZ are currently exempt from the landing fish intact requirement if the vessel lawfully harvests snapper-grouper in The Bahamas. This action would retain this exemption for snapper-grouper species and revise it to include additional requirements.

*Condition of Fillets*

To better allow for identification of the species of any fillets in the U.S. EEZ, Amendments 7/33 would require that the skin be left intact on the entire fillet of any dolphin, wahoo, or snapper-grouper carcass (fillet) transported from Bahamian waters through the U.S. EEZ. This requirement will assist law enforcement in identifying fillets to determine whether they are only of the species to be exempted by Amendments 7/33.

*Recreational Bag Limits*

Currently, all dolphin, wahoo, and snapper-grouper harvested or possessed in or from the EEZ must adhere to the U.S. bag and possession limits. Amendments 7/33 would not revise those bag and possession limits, but would specify how fillets are counted with respect to determining the number of fish onboard a vessel in transit from Bahamian waters through the U.S. EEZ and ensuring compliance with U.S. bag and possession limits. Amendments 7/33 would specify that for any dolphin, wahoo, or snapper-grouper species lawfully harvested in Bahamian waters and onboard a vessel in the U.S. EEZ in fillet form, two fillets of the respective species of fish, regardless of the length of each fillet, is equivalent to one fish. This measure is intended to assist law enforcement by helping ensure compliance with the relevant U.S. bag and possession limits.

*Sale and Purchase Restrictions of Recreationally Harvested Dolphin, Wahoo or Snapper-Grouper*

Amendments 7/33 would explicitly prohibit the sale or purchase of any dolphin, wahoo, and snapper-grouper recreationally harvested in The Bahamas and transported through the U.S. EEZ. The Council determined that establishing a specific prohibition to the sale or purchase of any of these species from The Bahamas was necessary to ensure consistency with the current Federal regulations that prohibit recreational bag limit sales of these species. The Council wanted to ensure that Amendments 7/33 and the accompanying rulemaking do not create an opportunity for these fish to be sold or purchased.

*Required Documentation*

Amendments 7/33 would revise the documentation requirements for snapper-grouper species and implement documentation requirements for dolphin and wahoo lawfully harvested in Bahamian waters and in transit through the U.S. EEZ. For snapper-grouper lawfully harvested under the exemption, the current requirement is that valid Bahamian fishing and cruising permits are on the vessel. Amendments 7/33 would retain the current requirement that valid Bahamian fishing and cruising permits are onboard and additionally require that all vessel passengers have stamped and dated government passports. These documentation requirements would apply to individuals onboard a vessel in transit through the U.S. EEZ from Bahamian waters with dolphin, wahoo, or snapper-grouper fillets. Requiring vessel passengers to have a valid government passport with current stamps and dates from The Bahamas will increase the likelihood that the vessel was lawfully fishing in The Bahamas and that any dolphin, wahoo, or snapper-grouper fillets on the vessel were harvested in Bahamian waters and not in the U.S. EEZ.

*Transit and Stowage Provisions*

Snapper-grouper vessels operating under the current exemption have specific transit requirements when in the South Atlantic EEZ as described in § 622.186(b). These vessels are required to be in transit when they enter the South Atlantic EEZ with Bahamian snapper-grouper onboard. A vessel is in transit through the South Atlantic EEZ when it is on “a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ.” Amendments 7/33 would

revise the snapper-grouper transit provisions, also apply the transit provisions to vessels operating under the proposed exemption for dolphin and wahoo, and require fishing gear to be appropriately stowed on vessels transiting through the U.S. EEZ with fillets of these species. The proposed definition for “fishing gear appropriately stowed” would mean that “terminal gear (*i.e.*, hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.” The Council determined that specifying criteria for transit and fishing gear stowage for vessels returning from The Bahamas under the exemption would assist in the enforceability of the proposed regulations and increase consistency with the state of Florida’s gear stowage regulations.

A proposed rule that would implement measures outlined in Amendments 7/33 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating Amendment 7/33 and the proposed rule 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 Amendments 7/33 for Secretarial review, approval, and implementation on May 1, 2015.

Comments received on or before November 16, 2015, will be considered by NMFS in the approval, partial approval, or disapproval decision regarding Amendments 7/33. Comments received after that date will not be considered by NMFS in this decision. All relevant 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: September 14, 2015.

**Alan D. Risenhoover,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 150817720-5720-01]

**RIN 0648-BF21**

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Greater Amberjack Management Measures**

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

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

**SUMMARY:** NMFS proposes to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council). If implemented, this action would revise the commercial and recreational annual catch limits (ACLs) and annual catch targets (ACTs), the commercial trip limit, and the recreational minimum size limit for greater amberjack in the Gulf of Mexico (Gulf) exclusive economic zone. Additionally, this rule would correct an error in the Gulf gray triggerfish recreational accountability measures (AMs). The purpose of this rule is to modify Gulf greater amberjack management measures to end overfishing and achieve optimal yield for the greater amberjack resource.

**DATES:** Written comments must be received on or before October 19, 2015.

**ADDRESSES:** You may submit comments on the proposed rule, identified by “NOAA-NMFS-2015-0094” 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-2015-0094](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2015-0094), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Richard Malinowski, 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