

(1) What may constitute “physical or biological features essential to the conservation of the species;”

(2) Where these features are currently found; and

(3) Whether any of these features may require special management considerations or protection.

In addition, we request data and information on “specific areas outside the geographical area occupied by the species” that are “essential to the conservation of the species.” Please provide specific comments and information as to what, if any, critical habitat you think we should propose for designation if the species is proposed for listing, and why such habitat meets the requirements of section 4 of the Act.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made “solely on the basis of the best scientific and commercial data available.”

You may submit your information concerning this status review by one of the methods listed in the **ADDRESSES** section. If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Information and supporting documentation that we received and used in preparing this finding is available for you to review at <http://www.regulations.gov>, or you may make an appointment during normal business hours at the U.S. Fish and Wildlife Service, San Francisco Bay-Delta Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

#### Previous Federal Actions

On August 8, 2007, the Service received a petition from the Bay Institute, the Center for Biological Diversity, and the Natural Resources Defense Council to list the San

Francisco Bay-Delta population of the longfin smelt as a distinct population segment (DPS) and to designate critical habitat for the species concurrent with the listing. The petition was clearly identified as a petition for a listing rule and contained the names, signatures, and addresses of the requesting parties. On May 6, 2008, the Service published a 90-day finding (73 FR 24911) in which we concluded that the petition provided substantial information indicating that listing the San Francisco Bay-Delta Population of the longfin smelt as a distinct populations segment (DPS) may be warranted, and we initiated a status review. On April 9, 2009, the Service published a 12-month finding (74 FR 16169) on the petition to list the San Francisco Bay-Delta population of the longfin smelt as a DPS and designate critical habitat for the species concurrent with the listing. We determined that the San Francisco Bay-Delta population of the longfin smelt did not meet the discreteness criterion of our Policy Regarding the Recognition of Distinct Vertebrate Population Segments (DPS policy) (February 7, 1996, 61 FR 4721), and therefore we did not undertake a significance review, since it is not a valid DPS.

On November 13, 2009, the Center for Biological Diversity (CBD) filed a complaint in the U.S. District Court for the Northern District of California, challenging the Service on the merits of the 2009 determination. On February 1, 2011, the Service settled with the Center for Biological Diversity and agreed to conduct a range-wide 12-month finding to be published by September 30, 2011.

You may obtain copies of the 2009 determination, and other previous Federal actions relating to the longfin smelt, by mail from the San Francisco Bay-Delta Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** section); on the Internet at <http://www.fws.gov/sfbaydelta/>; or by visiting the Federal eRulemaking Portal at <http://www.regulations.gov>.

#### Authors

The primary authors of this notice are the staff members of the San Francisco Bay-Delta Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 2, 2011.

**Gregory E. Siekaniec,**

*Acting Director, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 110103005–1005–01]

**RIN 0648–BA48**

### 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; reopening of comment period.

**SUMMARY:** NMFS is reopening the comment period to provide additional opportunity for public comment on the proposed rule that would implement a seasonal closure for the Gulf of Mexico (Gulf) greater amberjack recreational sector. The reopening of the comment period is to ensure that the public fully understands the intent of the greater amberjack regulatory amendment. NMFS is reopening the comment period for the proposed rule on March 10, 2011 and it will remain open through March 25, 2011. The intended effect of the proposed rule is to mitigate the social and economic impacts associated with implementing in-season closures.

**DATES:** The comment period for the proposed rule that published on January 24, 2011 (76 FR 4084), and closed on February 23, 2011, will reopen on March 10, 2011 and remain open through March 25, 2011.

**ADDRESSES:** You may submit comments on the proposed rule identified by 0648–BA48 by any of the following methods:

- **Electronic submissions:** Submit electronic comments via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Rich Malinowski, Southeast Regional Office, NMFS, 263 13th Avenue, South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov>.

[www.regulations.gov](http://www.regulations.gov) without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-rulemaking portal: <http://www.regulations.gov>, enter "NOAA-NMFS-2010-0281" in the keyword search, then check the box labeled "Select to find documents accepting comments or submissions", then select "Send a comment or submission". NMFS will accept anonymous comments (enter N/A in the required field if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Comments received through means not specified in this proposed rule will not be considered.

Copies of the regulatory amendment, which includes an environmental assessment (EA), an initial regulatory flexibility analysis (IRFA), and a regulatory impact review, may be obtained from the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; telephone 813-348-1630; fax 813-348-1711; e-mail [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org); or may be

downloaded from the Council's Web site at: <http://www.gulfcouncil.org/>.

**FOR FURTHER INFORMATION CONTACT:** Rich Malinowski, 727-824-5305; fax: 727-824-5308.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On January 24, 2011 (76 FR 4084), NMFS published a proposed rule to establish a 2-month seasonal closure of the recreational sector for greater amberjack within the Gulf reef fish fishery. Harvest and possession of recreational greater amberjack would be prohibited in or from the Gulf EEZ during the months of June and July each year. The establishment of a recreational seasonal closure is intended to mitigate the social and economic impacts associated with implementing in-season closures.

Based on many of the comments received on the proposed rule, it appears to NMFS that the intent of the proposed action was not completely understood by the public. A number of commenters seem to have the understanding that the intent of the recreational seasonal closure is to reduce recreational harvest. In actuality, the proposed recreational seasonal

closure occurs during a peak time for greater amberjack fishing, and is therefore projected to allow the recreational sector to be open during the remainder of the fishing year, without the necessity for additional in-season quota closures or implementation of accountability measures. Many for-hire operators indicated to the Council that the summer recreational seasonal closure was a preferred closure alternative since it would allow the for-hire industry to market greater amberjack as a trophy fish during the months their preferred target species of red snapper was unavailable.

NMFS specifically invites public comment on the clarification of the intent of the greater amberjack recreational seasonal closure. Additionally, the reef fish for-hire industry has requested a reopening of the comment period to allow industry additional time to submit comments. Therefore, NMFS will reopen the public comment period on the proposed rule on March 10, 2011 and it will remain open through March 25, 2011.

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

Dated: March 4, 2011.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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