

When we conduct an SPR analysis, we first identify any portions of the species' range that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant and either an endangered or a threatened species. To identify only those portions that warrant further consideration, we determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is an endangered or a threatened species throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required. In practice, a key part of this analysis is whether the threats are geographically concentrated in some way. If the threats to the species are affecting it uniformly throughout its range, no portion is likely to warrant further consideration. Moreover, if any concentration of threats applies only to portions of the range that clearly do not meet the biologically based definition of “significant” (i.e. the loss of that portion clearly would not be expected to increase the vulnerability to extinction of the entire species), those portions will not warrant further consideration.

If we identify any portions that may be both (1) significant and (2) endangered or threatened, we engage in a more detailed analysis to determine whether these standards are indeed met. The identification of a SPR does not create a presumption, prejudgment, or other determination as to whether the species in that identified SPR is an endangered or a threatened species. We must go through a separate analysis to determine whether the species is an endangered or a threatened species in the SPR. To determine whether a species is an endangered or a threatened species throughout an SPR, we will use the same standards and methodology that we use to determine if a species is an endangered or a threatened species throughout its range.

Depending on the biology of the species, its range, and the threats it faces, it may be more efficient to address the “significant” question first, or the status question first. Thus, if we determine that a portion of the range is not “significant,” we do not need to determine whether the species is an

endangered or a threatened species there; if we determine that the species is not an endangered or a threatened species in a portion of its range, we do not need to determine if that portion is “significant.”

We examined the potential threats from the effects of oil and gas exploration and development, research, disease, predation, collisions with structures, subsistence harvest, commercial fishing bycatch, pollution and degradation of marine habitats, and effects from climate change. These stressors affect individual yellow-billed loons throughout their range. Our analysis of the best scientific and commercial data available does not suggest threats are concentrated or substantially greater in a specific area as compared to other areas of the species' range. Therefore, we find that factors affecting the yellow-billed loon are essentially uniform throughout its range, indicating no portion of the range warrants further consideration of possible endangered or threatened species status under the Act.

Conclusion of 12-Month Finding

Our review of the best scientific and commercial data available indicates that the yellow-billed loon is not in danger of extinction (an endangered species) nor likely to become endangered within the foreseeable future (a threatened species), throughout all or a significant portion of its range. Therefore, we find that listing the yellow-billed loon as an endangered or threatened species under the Act is not warranted at this time.

We request that you submit any new information concerning the status of, or threats to, the yellow-billed loon to our Fairbanks Fish and Wildlife Office (see **ADDRESSES**) whenever it becomes available. New information will help us monitor the status of yellow-billed loon and encourage its conservation. In the event that threats or the species' status changes, we could consider again whether it is appropriate to list the species as an endangered or a threatened species under the Act. We will continue to provide technical assistance to Federal, State, and other entities and encourage them to address the conservation needs of yellow-billed loon through collecting additional biological information, monitoring the status of the species, and monitoring the progress and efficacy of conservation efforts.

References Cited

A complete list of references cited is available on the Internet at <http://www.regulations.gov> and upon request

from the Fairbanks Fish and Wildlife Office (see **ADDRESSES**).

Authors

The primary authors of this notice are staff members of the Fairbanks Fish and Wildlife Office.

Authority

The authority for this section is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 22, 2014.

Stephen Guertin,

Acting Director, Fish and Wildlife Service.

[FR Doc. 2014–23297 Filed 9–30–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140828724–4724–01]

RIN 0648–BE23

Framework Action To Modify the Commercial Annual Catch Limit/Annual Catch Target Regulations for Three Individual Fishing Quota Species Complexes

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement a framework action to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Gulf) (Reef Fish FMP) to modify the commercial annual catch limit (ACL) and annual catch target (ACT) regulations for three individual fishing quota (IFQ) program species complexes in the Gulf, as prepared by the Gulf of Mexico Fishery Management Council (Council). If implemented, this rule would clarify that the established commercial quotas are equal to the commercial ACTs and would add commercial ACLs to the regulations for three IFQ species complexes: Other shallow-water grouper (Other SWG), deep-water grouper (DWG), and tilefishes. The purpose of this rule is to help achieve optimum yield for IFQ species in the Gulf, while preventing overfishing, in accordance with National Standard 1 of the Magnuson-Stevens Fishery Conservation and

Management Act (Magnuson-Stevens Act).

DATES: Written comments must be received on or before October 16, 2014.

ADDRESSES: You may submit comments on the proposed rule, identified by “NOAA-NMFS-2014-0091”, by any of the following methods:

- **Electronic submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!/docketDetail;D=NOAA-NMFS-2014-0091, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Rich 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 viewing on 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 framework action, which includes a regulatory impact review and a Regulatory Flexibility Act analysis, may be obtained from the Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, Southeast Regional Office, telephone: 727-824-5305.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the fisheries for Gulf Reef Fish Resources, which includes the complexes for Other SWG, DWG, and tilefishes, under the Reef Fish FMP. Other SWG includes black grouper, scamp, yellowmouth grouper, yellowfin grouper; DWG includes warsaw grouper, snowy grouper, speckled hind, yellowedge grouper; and tilefishes include golden tilefish, blueline tilefish, and goldface tilefish. The Reef Fish FMP is implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622. All weights specified in this rule are in gutted weight.

The framework action and this proposed rule would identify the commercial quotas for the Other SWG, DWG, and tilefishes complexes as equal to the commercial ACTs that were specified in the Generic Annual Catch Limit/Accountability Measures Amendment (Generic ACL Amendment) and add commercial ACLs to the regulations for these same three complexes. Currently, the regulations at 50 CFR 622.41, paragraphs (c)(1), (f)(1), and (g)(1), misidentify the commercial quotas for these three IFQ species complexes, which are codified at 50 CFR 622.39, as ACLs. The commercial quotas are actually equal to the ACTs. In June 2014, the Council took action to clarify that the quotas should remain equal to the ACTs. Therefore, this rulemaking proposes modifying the language in the regulations to identify the established quotas as ACTs, and to add the ACLs specified by the Generic ACL Amendment.

Specifically, this proposed rule would maintain the current quota values for these three IFQ species complexes in 50 CFR 622.39, “Quotas”, and would remove the outdated quotas for 2012 and 2013 that are specified in this section. This proposed rule would also establish that the commercial quotas are equal to the commercial ACTs (instead of the ACLs) in 50 CFR 622.41, “Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs)”, and add the commercial ACLs to 50 CFR 622.41.

Classification

Pursuant to section 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the framework action, the FMP, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed 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 (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is as follows.

This proposed rule would modify commercial ACL and ACT regulations for the DWG, Other SWG, and tilefishes, which are IFQ program species complexes in the Gulf. If implemented, the rule would clarify that the established commercial quotas are equal

to the commercial ACTs and would add commercial ACLs to the regulations for the three species complexes. This clarification would not change the current commercial quotas and would therefore not affect current levels of landings.

An estimated 525 firms in the finfish fishing industry (NAICS 114111) own/operate vessels that may harvest species within three complexes. According to SBA Size Standards, a business in the finfish fishing industry (NAICS 114111) is a small business if its annual receipts are less than \$20.5 million. It is expected that a substantial number of these firms may be small businesses.

The Generic ACL Amendment specified the commercial ACLs and quotas (ACTs) for the three species complexes; however, these ACLs are not specified in current regulations. According to the Generic ACL Amendment, the current (2014) commercial ACLs for the DWG, Other SWG, and tilefishes are 1.160 million lb (0.526 million kg), 545,000 lb (247,208 kg), and 606,000 lb (274,877 kg), respectively. According to current regulations, however, the 2014 commercial quotas and commercial ACLs for the DWG, Other SWG, and tilefishes complexes are 1.110 million lb (0.503 million kg), 523,000 lb (237,229 kg), and 582,000 lb (263,991 kg), respectively. The current regulations that implemented the Generic ACL Amendment misidentify the commercial ACLs as equal to the commercial quotas. After clarifying its intent, the Council voted to identify the commercial quotas as equal to the commercial ACTs and include the commercial ACLs from the Generic ACL Amendment in the regulations. The proposed rule would identify the commercial ACTs as equal to the commercial quotas and would specify the commercial ACLs in the regulations from the Generic ACL Amendment.

Annual commercial landings of the DWG, Other SWG, and tilefishes complexes would not be affected by this proposed rule because there would be no change in commercial quotas. Therefore, it is concluded that the proposed rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf of Mexico, Individual fishing quota.

Dated: September 22, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

**PART 622—FISHERIES OF THE
CARIBBEAN, GULF OF MEXICO, AND
SOUTH ATLANTIC**

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.39, paragraphs (a)(1)(ii) and (a)(1)(iii)(A) are revised to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(ii) Deep-water groupers (DWG) have a combined quota, as specified in paragraphs (a)(1)(iii)(A) through (C) of this section. These quotas are specified in gutted weight, that is eviscerated, but otherwise whole.

(A) For fishing year 2014—1.110 million lb (0.503 million kg).

(B) For fishing year 2015—1.101 million lb (0.499 million kg).

(C) For fishing year 2016 and subsequent fishing years—1.024 million lb (0.464 million kg).

(iii) * * *

(A) *Other SWG combined.* (1) For fishing year 2014—523,000 lb (237,229 kg).

(2) For fishing year 2015 and subsequent fishing years—525,000 lb (238,136 kg).

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■ 3. In § 622.41, paragraphs (c)(1), (f)(1), and (g)(1) are revised to read as follows:

**§ 622.41 Annual catch limits (ACLs),
annual catch targets (ACTs), and
accountability measures (AMs).**

* * * * *

(c) * * *

(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial Other SWG. The commercial ACT for Other SWG is equal to the applicable quota specified in § 622.39(a)(1)(iii)(A). The commercial ACL for Other SWG, in gutted weight, is 545,000 lb (247,208 kg)

for 2014, and 547,000 lb (248,115 kg) for 2015 and subsequent fishing years.

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(f) * * *

(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial DWG. The commercial ACT for DWG is equal to the applicable quota specified in § 622.39(a)(1)(ii). The commercial ACL for DWG, in gutted weight, is 1.160 million lb (0.526 million kg) for 2014, 1.150 million lb (0.522 million kg) for 2015, and 1.070 million lb (0.485 million kg) for 2016 and subsequent fishing years.

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(g) * * *

(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial tilefishes. The commercial ACT for tilefishes is equal to the quota specified in § 622.39(a)(1)(iv). The commercial ACL for tilefishes, in gutted weight, is 606,000 lb (274,877 kg).

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[FR Doc. 2014–23246 Filed 9–30–14; 8:45 am]

BILLING CODE 3510–22–P