

a. Excess Escrow Amount \$ _____
 III. Plus the Required Fixed Amount:
 \$ _____
 IV. Total Required in Escrow:
 \$ _____
 V. Current Balance in Escrow Account:
 \$ _____
 VI. Amount to be Deposited in Escrow
 Account: \$ _____
 VII. Amount of Escrow Account available to
 Operator: \$ _____
 VIII. I declare under penalty of perjury that
 the above information is true and correct.
 Dated: _____

(Signature)

Name: Title:

(Signature)

Name: Title:

By the Commission.

Karen V. Gregory,
Secretary.

[FR Doc. 2013-04417 Filed 2-26-13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1206013412-2517-02]

RIN 0648-XC467

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Accountability Measures for Gulf of Mexico Commercial Greater Amberjack

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

ACTION: Temporary rule; accountability
measures.

SUMMARY: NMFS implements
accountability measures (AMs) for
commercial greater amberjack in the
Gulf of Mexico (Gulf) reef fish fishery
for the 2013 fishing year through this
temporary final rule. This rule reduces
the Gulf greater amberjack 2013
commercial annual catch target (ACT)
(equal to the commercial quota) to
338,157 lb (153,385 kg) and reduces the
2013 commercial annual catch limit
(ACL) to 410,157 lb (186,044 kg), based
on the 2012 commercial ACL overage.
These actions are necessary to reduce
overfishing of the Gulf greater amberjack
resource.

DATES: This rule is effective February
27, 2013, through December 31, 2013.

ADDRESSES: Electronic copies of
Amendment 35 to the Fishery
Management Plan for the Reef Fish

Resources of the Gulf (FMP), which
includes an environmental assessment,
an initial regulatory flexibility analysis,
and a regulatory impact review, may be
obtained from the Southeast Regional
Office Web site at [http://
sero.nmfs.noaa.gov/sf/
GrouperSnapperandReefFish.htm](http://sero.nmfs.noaa.gov/sf/GrouperSnapperandReefFish.htm).

FOR FURTHER INFORMATION CONTACT: Rich
Malinowski, telephone: 727-824-5305,
or email: Rich.Malinowski@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS
manages the reef fish fishery of the Gulf,
which includes greater amberjack,
under the FMP. The Gulf of Mexico
Fishery Management Council (Council)
prepared the FMP and NMFS
implements the FMP under the
authority of the Magnuson-Stevens
Fishery Conservation and Management
Act (Magnuson-Stevens Act) by
regulations at 50 CFR part 622. All
greater amberjack weights discussed in
this temporary rule are in round weight.

Background

The 2006 reauthorization of the
Magnuson-Stevens Act established new
requirements including ACLs and AMs
to end overfishing and prevent
overfishing from occurring. AMs are
management controls to prevent ACLs
from being exceeded, and correct or
mitigate overages of the ACL if they
occur. Section 303(a)(15) of the
Magnuson-Stevens Act mandates the
establishment of ACLs at a level such
that overfishing does not occur in the
fishery, including measures to ensure
accountability.

On November 13, 2012, NMFS
published a final rule for Amendment
35 (77 FR 67574). That final rule
established the Gulf greater amberjack
stock ACL equal to the greater
amberjack stock allowable biological
catch (ABC) at 1,780,000 lb (807,394 kg),
with the greater amberjack stock ACT at
1,539,000 lb (698,079 kg) based on the
ACT Control Rule developed in the
Generic Annual Catch Limits/
Accountability Measures Amendment
(Generic ACL Amendment) (76 FR
82044, December 29, 2011).

Sector allocations were established in
Amendment 30A to the FMP (73 FR
38139, July 3, 2008) with 27 percent of
the ACL allocated to the commercial
sector and 73 percent of the ACL
allocated to the recreational sector.
Based on these allocations, the final rule
for Amendment 35 established a greater
amberjack commercial ACL of 481,000
lb (218,178 kg) and the commercial ACT
(equivalent to the commercial quota) of
409,000 lb (185,519 kg). The commercial
ACT is set 15 percent below the ACL to
account for management uncertainty.

Accountability measures for Gulf
greater amberjack were also revised by
the final rule for Amendment 35. In
accordance with regulations at 50 CFR
622.49(a)(1)(i), when the commercial
ACT (commercial quota) is reached, or
projected to be reached, the Assistant
Administrator for Fisheries, NOAA,
(AA), will file a notification with the
Office of the Federal Register to close
the commercial sector for the remainder
of the fishing year. If despite such
closure, commercial landings exceed the
commercial ACL, then during the
following fishing year, both the
commercial ACT (commercial quota)
and the commercial ACL will be
reduced by the amount of the prior
year's commercial ACL overage.

Additionally, the final rule for
Amendment 35 established a
commercial trip limit for greater
amberjack of 2,000 lb (907 kg). This trip
limit is applicable until the commercial
ACT (commercial quota) is reached or
projected to be reached during a fishing
year and the commercial sector is
closed.

Management Measures Contained in This Temporary Rule

In 2012, the commercial sector of
greater amberjack was closed on March
1, when the adjusted commercial quota
of 237,438 (107,700 kg), based on the
2011 quota overage, was determined to
be reached. Finalized 2012 commercial
landings data indicated the adjusted
2012 commercial quota of 237,438 lb
(107,700 kg) was exceeded by 29.8
percent, or 70,843 lb (32,134 kg).
Therefore, the reduced 2013 commercial
ACT (commercial quota) for Gulf greater
amberjack is 338,157 lb (153,385 kg)
(i.e., 409,000-lb (185,519-kg)
commercial ACT minus the overage of
70,843 lb (32,134 kg)). The reduced
2013 commercial ACL for Gulf greater
amberjack is 410,157 lb (186,044 kg)
(i.e., 481,000-lb (218,178-kg)
commercial ACL minus the overage of
70,843 lb (32,134 kg)).

The 2014 commercial ACT
(commercial quota) for greater
amberjack will return to 409,000 lb
(185,519 kg), as specified at 50 CFR
622.42(a)(1)(v), and the commercial ACL
for greater amberjack will return to
481,000 lb (218,178 kg), as specified in
50 CFR 622.49(a)(1)(i)(C), unless AMs
are implemented due to a commercial
ACL overage, or the Council takes
subsequent regulatory action to adjust
the commercial ACT (commercial quota)
and commercial ACL.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the Gulf greater amberjack component of the Gulf reef fish fishery and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

The temporary rule has been determined to be not significant for purposes of Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary

rule. Such procedures are unnecessary because the AMs established by Amendment 35 and located at 50 CFR 622.49(a)(1)(i) authorize the AA to file a notification with the Office of the Federal Register to reduce the commercial ACT (commercial quota) and commercial ACL the following fishing year when the commercial ACL is exceeded. The proposed rule for Amendment 35 (77 FR 42476, July 19, 2012) that implemented these AMs was already subject to notice and comment and all that remains is to notify the public of the 2013 commercial ACT (commercial quota) and commercial ACL for Gulf greater amberjack.

Additionally, prior notice and opportunity for public comment would be contrary to the public interest. Given the ability of the commercial sector to rapidly harvest fishery resources, there

is a need to immediately implement the reduced commercial ACT (commercial quota) and commercial ACL for the 2013 fishing year. Taking time to provide prior notice and opportunity for public comment creates a higher likelihood of the reduced commercial ACT (commercial quota) and commercial ACL being exceeded.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: February 22, 2013.

Kara Meckley,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013-04598 Filed 2-26-13; 8:45 am]

BILLING CODE 3510-22-P