

- The habitat components (primary constituent elements) essential to the conservation of the species, such as specific soil characteristics, plant associations, or pollinators, and the quantity and spatial arrangement of these features on the landscape needed to provide for the conservation of the species;

- What areas not occupied at the time of listing are essential for the conservation of the species, if any, and why; and

- Special management considerations or protections that the features essential to the conservation of *Lepidium papilliferum* may require, including managing for the potential effects of climate change.

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(4) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation. We are particularly interested in any impacts on small entities, and the benefits of including or excluding areas that are subject to these impacts.

(5) Whether the benefits of excluding any particular area from critical habitat outweigh the benefits of including that area in critical habitat under section 4(b)(2) of the Act, after considering both the potential impacts and benefits of the proposed critical habitat designation. Under section 4(b)(2) of the Act, we may exclude an area from critical habitat if we determine that the benefits of such exclusion outweigh the benefits of including that particular area as critical habitat, unless failure to designate that specific area as critical habitat will result in the extinction of the species. We are considering the possible exclusion of areas under private ownership, in particular, as we anticipate the benefits of exclusion may outweigh the benefits of inclusion in those areas. We, therefore, request specific information on:

- The benefits of including any specific areas in the final designation and supporting rationale;
- The benefits of excluding any specific areas from the final designation and supporting rationale; and
- Whether any specific exclusions may result in the extinction of the species and why.

(6) The use of Public Land Survey System quarter-quarter sections to delineate the proposed critical habitat designation; we used quarter-quarter sections in this proposed rule because they are the most commonly used minimum size and method for

delineating land ownership boundaries within the range of *Lepidium papilliferum*.

(7) Information on the projected and reasonably likely impacts of climate change on *Lepidium papilliferum* and on the critical habitat areas we are proposing.

(8) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comment.

Our final determination concerning critical habitat for *Lepidium papilliferum* will take into consideration all written comments we receive during the comment period, including comments from peer reviewers, comments we receive during any public hearing should one be requested, and any additional information we receive during the extended comment period. All comments will be included in the public record for this rulemaking. On the basis of peer reviewer and public comments, we may, during the development of our final determination, find that areas within the proposed designation do not meet the definition of critical habitat, that some modifications to the described boundaries are appropriate, or that areas may or may not be appropriate for exclusion under section 4(b)(2) of the Act.

You may submit your comments and materials concerning our proposed rule by one of the methods listed in the **ADDRESSES** section. We request that you send comments only by the methods described in the **ADDRESSES** section.

If you submit a comment via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via 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>. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business

hours, at the U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

We will take into consideration all comments and any additional information we received during this extended comment period on the proposed rule during the preparation of a final rulemaking. Accordingly, the final decision may differ from the proposal.

#### Authors

The primary authors of this notice are the staff members of the Idaho Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** section).

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

Dated: June 24, 2011.

**Rachel Jacobson,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2011–16748 Filed 7–6–11; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

**Docket No. 110620342–1340–02]**

**RIN 0648–BA66**

#### International Fisheries; Pacific Tuna Fisheries; Recommendations Adopted by the Inter-American Tropical Tuna Commission

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

**ACTION:** Advanced Notice of Proposed Rulemaking; request for comments.

**SUMMARY:** NMFS is requesting public comment on certain amendments under consideration for the regulations governing the longline and purse seine fisheries targeting tuna and tuna-like species in the eastern Pacific Ocean (EPO) to conform to recommendations adopted by the Inter-American Tropical Tuna Commission (IATTC). This rulemaking would be issued under authority of the Tuna Conventions Act of 1950. At its Eighty-first Meeting, held in September 2010, members of the IATTC adopted three recommendations. This ANPR discusses two of these decisions, the Recommendation on Tuna Conservation 2011–2013 (C–10–01) and the Recommendation Prohibiting Fishing on Data Buoys (C–

10–03), which would require rulemaking to implement domestically.  
**DATES:** Comments must be submitted in writing by July 27, 2011.

**ADDRESSES:** You may submit comments, identified by 0648–BA66, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>.

- **Fax:** 562–980–4047, Attn: Heidi Hermismeyer.

- **Mail:** Rodney R. McInnis, Regional Administrator, NMFS Southwest Regional Office (SWR), 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier “0648–BA66” in the comments.

**Instructions:** All comments received are a part of the public record and will generally be posted to <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.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Heidi Hermismeyer, NMFS SWR, 562–980–4036.

**SUPPLEMENTARY INFORMATION:** At its Eighty-first Meeting, held in September 2010, members of the IATTC adopted the following three recommendations: (1) Recommendation on Tuna Conservation 2011–2013 (C–10–01); (2) Recommendation on Seabirds (C–10–02); and (3) Recommendation Prohibiting Fishing on Data Buoys (C–10–03). Recommendation C–10–02 established measures to mitigate the impact of the longline fishery on seabirds, which are similar to those in place in the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area. The United States has domestic seabird conservation measures in place for U.S. longline fisheries that operate in the EPO that satisfy the recommendations adopted in Recommendation C–10–02, thus no additional regulatory action is required to implement this recommendation. The United States is considering amending regulations to implement IATTC Recommendations C–10–01 and C–10–03. While this is the preferred course of action at this time, the United States is

also considering not amending the regulations currently in effect, which implement IATTC Resolution C–09–01, or removing those regulations. The United States is considering these alternatives because there has been some uncertainty regarding whether Resolution C–09–01 required ratification by the IATTC in 2010 to remain effective in 2011, and whether Recommendation C–10–01 replaced Resolution C–09–01 for all intents and purposes. All active resolutions and recommendations are available on the following IATTC Web site: <http://www.iattc.org/ResolutionsActiveENG.htm>.

#### Potential Changes to Tuna Conservation Measures for 2011–2013

The Recommendation on Tuna Conservation for 2011–2013 is very similar to the Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean in 2009–2011 (IATTC Resolution C–09–01), which was adopted in 2009 by the IATTC. The United States implemented IATTC Resolution C–09–01 in November 2010 (74 FR 61046, November 23, 2009). Similar to Resolution C–09–01, the main objectives of Recommendation C–10–01 are to limit the fishing mortality of yellowfin tuna (*Thunnus albacares*) and to reduce the fishing mortality of bigeye tuna (*Thunnus obesus*) in the EPO. The measures are based in part on the recommendations and analysis of IATTC scientific staff and the 2010 stock assessments of bigeye and yellowfin tuna completed by IATTC staff. The differences between Recommendation C–10–01 and Resolution C–09–01 that are being considered for rulemaking are: (1) A change in the length of the closure period of the IATTC Convention Area for tuna purse seine vessels class sizes 4–6 (182 metric tons carrying capacity or greater) in 2011 from 73 days to 62 days and continuation of that closure period in 2012 and 2013; (2) continuation of the annual 500 metric ton bigeye tuna quota in the longline fishery for vessels over 24 meters in length from 2011–2013; and (3) renewal of the tuna retention program for 2011 that requires all bigeye, skipjack, and yellowfin tuna caught by a U.S. purse seine vessel of class sizes 4–6 (i.e., larger than 182 cubic meters carrying capacity) be retained on board and landed, except fish deemed unfit for human consumption for reasons other than size. The single exemption for this would be the final set of a trip, when there may be insufficient well space

remaining to accommodate all the tuna caught in that set. Additionally, NMFS is considering giving vessel owners the option of choosing between the two possible purse seine closure periods that were established under IATTC Recommendation C–10–01 for each applicable year, rather than requiring the entire U.S. fleet to adhere to the later closure period as was done in 2009 and 2010. It appears that most, if not all, other members of the IATTC are implementing the closure period on a vessel-by-vessel basis since it provides fleets with greater flexibility. The two options would be July 29 to September 28, or November 18 to January 18 of the following year for 2011, 2012, and 2013.

#### Potential Prohibition on Fishing Around Data Buoys

The main objective of the Recommendation Prohibiting Fishing on Data Buoys is to stop vandalism and damage to data buoys from fishing vessels that often leads to loss of data critical to weather forecasting, tsunami warnings, search and rescue efforts, and research of the marine environment and that IATTC members expend time and resources to locate, replace, and repair data buoys damaged or lost by fishing methods or vandalism. Recommendation C–10–03 defines data buoys as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting environmental data, and not in support of fishing activities.

Recommendation C–10–03 urges members to prohibit fishing vessels from fishing within one nautical mile of, or interacting with, a data buoy in the EPO. A possible rulemaking action would: (1) Prohibit encircling a data buoy with fishing gear, tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy, and, if the buoy is anchored, cutting its anchor line; (2) prohibit fishing vessels from taking on board a data buoy, unless specifically authorized or requested to do so by a member or cooperating non-member of the IATTC or owner responsible for that buoy; (3) encourage fishing vessels operating in the EPO to keep watch for data buoys at sea and to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys; and (4) require fishing vessels that become entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible. However, any scientific research program would be allowed to operate

fishing vessels within one nautical mile of a data buoy, provided the IATTC Secretariat is notified in advance about the operation and the fishing gear/vessel does not interact with a data buoy.

*Executive Order 12866:* This action has been determined to be not significant under EO 12866.

**Authority:** 16 U.S.C. 951 *et seq.*

Dated: June 30, 2011.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

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