

result, a regulatory flexibility analysis was not required and none was prepared.

The NOAA Assistant Administrator for Fisheries (AA) finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of the management measures contained in this final rule. A 30-day delay in effectiveness of the final rule is impracticable because the recreational fishing season for red snapper begins on June 1, and therefore, there is not enough time for NMFS to provide both notice and comment on the proposed rule and a 30-day delay in effectiveness on the final rule, before the season starts. This final rule implements increased commercial and recreational quotas for Gulf red snapper based on the increase in the acceptable biological catch (ABC) from 8.08 million lb (3.67 million kg) to 8.46 million lb (3.83 million kg), round weight, as recommended by the Council's Science and Statistical Committee (SSC). The SSC met in November 2012 to review new scientific information and recommended an increased ABC for 2013. At its February 2013 Council meeting, the Council voted to implement commercial and recreational quota increases in 2013 based on the ABC recommended by the SSC. Increased quotas will allow additional harvest of red snapper and will provide the opportunity for the fishery to achieve optimum yield. Additionally, NMFS received new scientific information on May 7, 2013, to use to update and extend the red snapper recreational seasons. The new data included 2012 landings converted from MRFSS to MRIP. Prior to May 7, 2013, these data were not available, so MRFSS landings data were used to calculate the season lengths identified in the proposed rule. Because the new data are now available, NMFS re-calculated the projected 2013 red snapper recreational season lengths off each Gulf state using the 2012 landings data from MRIP instead of from MRFSS, which is the best scientific information now available. Because the recreational fishing season begins on June 1, there isn't enough time for NMFS to provide both notice and comment on the proposed rule and a 30-day delay in effectiveness on the final rule. Therefore, NMFS provided the opportunity for notice and comment on the proposed rule, but is waiving the 30-day delay in effectiveness on this final rule.

In addition, a 30-day delay in effectiveness of this final rule would be contrary to the public interest. If this rule is not effective immediately, and

the recreational fishing season closure dates cannot be implemented immediately, the recreational ACL could be exceeded and overfishing of the red snapper resource could occur. The recreational closure date off Texas has been set for 12:01 a.m., local time, June 18, 2013; the recreational closure date off Louisiana has been set for 12:01 a.m., local time, June 25, 2013; and the recreational closure date off Florida has been set for 12:01 a.m., local time, June 27, 2013. If this rule were effective 30 days after publication, these closure dates could not be implemented and recreational fishing off these states would continue to occur. Additional fishing off these states could lead to the recreational ACL being exceeded which could lead to an overfishing situation. This would be in violation of National Standard 1 of the Magnuson-Stevens Act. National Standard 1 states that "management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery . . ." The red snapper stock is still overfished and under a rebuilding plan through 2032. The next SEDAR benchmark stock assessment is currently undergoing. To keep red snapper on the rebuilding plan and prevent overfishing from occurring, this rule needs to take effect immediately.

For these reasons, the AA waives the 30-day delay in effectiveness of this final rule.

#### List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf of Mexico, Red Snapper.

Dated: May 23, 2013.

**Alan D. Risenhoover**,  
Director, Office of Sustainable Fisheries,  
performing the functions and duties of the  
Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

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

#### PART 622—FISHERIES OF THE CARIBBEAN, GULF, 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)(i) and (a)(2)(i) are revised to read as follows:

#### § 622.39 Quotas.

\* \* \* \* \*

(a) \* \* \*

(1) \* \* \*

(i) *Red snapper*—4.315 million lb (1.957 million kg), round weight.

(2) \* \* \*

(i) *Recreational quota for red snapper*—4.145 million lb (1.880 million kg), round weight.

\* \* \* \* \*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

[Docket No. 130103006-3477-02]

RIN 0648-BC89

#### Fisheries in the Western Pacific; 5-Year Extension of Moratorium on Harvest of Gold Corals

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

**ACTION:** Final rule.

**SUMMARY:** This final rule extends the region-wide moratorium on the harvest of gold corals in the U.S. Pacific Islands through June 30, 2018. NMFS intends this final rule to prevent overfishing and to stimulate research on gold corals.

**DATES:** This rule is effective June 28, 2013.

**ADDRESSES:** Background information on Pacific Island precious coral fisheries is found in the western Pacific fishery ecosystem plans, available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or [www.wpcouncil.org](http://www.wpcouncil.org).

#### FOR FURTHER INFORMATION CONTACT:

Lewis Van Fossen, NMFS PIR Sustainable Fisheries, 808-541-1378.

**SUPPLEMENTARY INFORMATION:** Precious corals (also called deep-sea corals), including gold corals, are used in high-quality jewelry. NMFS and the Council manage precious corals under fishery ecosystem plans for American Samoa, Hawaii, the Mariana Islands (Guam and the Northern Mariana Islands), and the U.S. Pacific Remote Island Areas. On September 12, 2008, NMFS established a 5-year moratorium on the harvest of gold corals in U.S. Pacific Islands (73 FR 47098). The moratorium was based on information that gold corals grew much more slowly and lived longer than previously thought, suggesting that these species were vulnerable to overharvest. NMFS and the Council intended the harvest moratorium to

encourage research into gold coral biology and prevent overfishing.

Subsequent research found that gold corals in the U.S. Pacific Islands grow about 0.22 cm annually and the average colony age is about 950 years. These findings confirmed previous assumptions about gold corals' vulnerability to overharvesting. Additionally, researchers found that gold corals may also rely on the presence of bamboo coral. Gold coral larvae may require bamboo coral colonies as a growth substrate, attaching themselves to the host colony and eventually overgrowing it to form a new gold coral colony. This final rule is necessary to encourage more research into gold coral biology and to develop sustainable management measures.

This final rule extends the moratorium on harvesting gold corals in the U.S. Pacific Islands through June 30, 2018. Additional information on this final rule may be found in the preamble to the proposed rule (78 FR 18302) and is not repeated here.

#### Comments and Responses

On March 26, 2013, NMFS published a proposed rule and request for public comments (78 FR 18302); the comment period ended April 25, 2013. NMFS received one comment that generally supported the proposed rule, and no comments to the contrary.

#### Changes From the Proposed Rule

This final rule contains no changes from the proposed rule.

#### Classification

The Regional Administrator, Pacific Islands Region, NMFS, has determined that this final rule is necessary for the conservation and management of Pacific Island gold coral fisheries, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Council for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

#### List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaii, Northern Mariana Islands.

Dated: May 23, 2013.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

#### PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for part 665 continues to read as follows:

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

■ 2. Revise § 665.169 to read as follows:

##### **§ 665.169 Gold coral harvest moratorium.**

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2018.

■ 3. Revise § 665.270 to read as follows:

##### **§ 665.270 Gold coral harvest moratorium.**

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2018.

■ 4. Revise § 665.469 to read as follows:

##### **§ 665.469 Gold coral harvest moratorium.**

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2018.

■ 5. Revise § 665.669 to read as follows:

##### **§ 665.669 Gold coral harvest moratorium.**

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2018.

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