

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 223 and 224**

[Docket No. 241016–0272; RTID 0648–XF174]

Endangered and Threatened Wildlife and Plants; Proposed Listing Determinations for Ten Species of Giant Clams Under the Endangered Species Act; Extension of Public Comment Period

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

ACTION: Proposed rule; extension of public comment period.

SUMMARY: We, NMFS, announce the extension of the public comment period on our July 25, 2024 proposed rule to list 5 species of giant clams as endangered and 5 species of giant clams as threatened under the Endangered Species Act (ESA) and to issue protective regulations for the 5 proposed threatened species under section 4(d) of the ESA. As part of that proposed action, we solicited comments on the proposed rule, a draft environmental assessment (EA), and an initial regulatory flexibility analysis (IRFA) over a 90-day comment period, which was scheduled to close on October 23, 2024. Comments previously submitted do not need to be resubmitted, as they will be fully considered in the agency's proposed action.

DATES: The comment period for the proposed rule published July 25, 2024 at 89 FR 60498, is extended. The deadline for receipt of comments is extended from October 23, 2024 to February 19, 2025.

ADDRESSES: You may submit data, information, or written comments on this document, identified by NOAA–NMFS–2017–0029, by either of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2017–0029 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Endangered Species Division, Office of Protected Resources (F/PR3), National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910, USA, Attn: Giant Clams Species Listing Proposed Rule.

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 <https://www.regulations.gov> without change. All personally 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).

The Status Review Report associated with this determination, its references, and the petition can be accessed electronically at: <https://www.fisheries.noaa.gov/action/proposed-rule-10-species-giant-clams-under-endangered-species-act>. The peer review plan, associated charge statement, and peer review report can be accessed electronically at: <https://www.noaa.gov/information-technology/status-review-report-of-7-giant-clam-species-petitioned-under-us-endangered-species-act-hippopus>. The draft EA and IRFA associated with the proposed ESA section 4(d) regulation for *Tridacna crocea*, *T. maxima*, *T. noae*, and *T. squamosa* can be accessed electronically via the Federal e-Rulemaking Portal by navigating to <https://www.regulations.gov> and entering NOAA–NMFS–2017–0029 in the Search box.

FOR FURTHER INFORMATION CONTACT: John Rippe, NMFS Office of Protected Resources, 301–427–8467; John.Rippe@noaa.gov.

SUPPLEMENTARY INFORMATION:**Background**

On July 25, 2024, we published a proposed rule to list 5 species of giant clams as endangered and 5 species of giant clams as threatened under the ESA and to issue protective regulations for the five proposed threatened species under section 4(d) of the ESA (89 FR 60498). In that notification, we also announced the availability of a draft EA and IRFA associated with the proposed ESA section 4(d) regulation for *Tridacna crocea*, *T. maxima*, *T. noae*, and *T. squamosa*. We solicited comments on the proposed rule, draft EA, and IRFA during a 90-day period, which is scheduled to end on October 23, 2024.

On August 30, 2024, we received a formal request from the Territorial governments of American Samoa, Guam, and the Commonwealth of the

Northern Mariana Islands to extend the public comment period by 120 days in order to provide additional time to thoroughly review and analyze the proposed rule, associated reports, and supporting datasets and to engage with key stakeholders. We received additional requests from the Western Pacific Regional Fishery Management Council on September 27, 2024 and from U.S. Rep. James Moylan on October 4, 2023 similarly asking for a 120-day extension to allow more time for community members to provide informed comments in response to the proposed rule.

In our evaluation of these requests, we considered several factors that may justify such a lengthy extension to the public comment period. We considered that the proposed rule includes extinction risk analyses and associated listing determinations for seven different species of giant clams. We also considered that the proposed rule includes the proposed listing of four species of giant clams on the basis of similarity of appearance. Importantly, three of these four species had been included in the initial petition for listing, but we concluded that the petition did not present substantial scientific or commercial information indicating that listing these species under the ESA may be warranted (82 FR 28946, June 26, 2017). Thus, the subsequent proposal to list these species on the basis of their similarity of appearance may reasonably warrant additional time for public review and comment. Lastly, we considered that the proposed rule includes two separate 4(d) regulations, one associated with the species proposed to be listed as threatened based on extinction risk (*Hippopus hippopus*) and the other associated with the four species proposed to be listed as threatened based on similarity of appearance (*T. crocea*, *T. maxima*, *T. noae*, and *T. squamosa*).

Given the aforementioned factors contributing to the complexity of the proposed rule, we conclude that there is good cause, consistent with 50 CFR 424.16(c)(2), to extend the public comment period by an additional 120 days, which will allow sufficient time for responders to submit comments without significantly delaying finalization of the proposed rule. We are, therefore, extending the close of the public comment period from October 23, 2024, to February 19, 2025.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: October 17, 2024.

Samuel D. Rauch III,

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

[FR Doc. 2024-24533 Filed 10-22-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 241018-0275]

RIN 0648-BN15

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery Management Plan; Amendment 34; Groundfish Exclusion Area for Coral Research and Restoration

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues these proposed regulations to implement amendment 34 to the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP). The proposed regulations include a closure to commercial groundfish bottom contact gear in Monterey Bay National Marine Sanctuary (MBNMS). Specifically, NMFS proposes to implement a new groundfish exclusion area (GEA) for the purposes of coral research and restoration within MBNMS at the site of Sur Ridge. The purpose of this proposed action is to close the Sur Ridge site within the MBNMS off California to commercial groundfish bottom contact gear in order to protect future deep-sea coral research and restoration projects from the impact of fishing gear. The Office of National Marine Sanctuaries (ONMS) conducts scientific research in National Marine Sanctuaries, including on deep sea coral survival, growth and reproduction, under the National Marine Sanctuaries Act (NMSA) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments on this proposed rule must be received on or before November 22, 2024.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0081>. You may

submit comments on this document, identified by NOAA-NMFS-2024-0081, by the following method:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and type NOAA-NMFS-2024-0081 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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 <https://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).

Electronic copies of proposed amendment 34 and the draft analysis that addresses Presidential Executive Order 12866, the Regulatory Flexibility Act (RFA), and the statutory requirements of the Magnuson-Stevens Act (the Analysis), may be obtained from <https://www.regulations.gov> and the NMFS West Coast Region website at <https://www.fisheries.noaa.gov/region/west-coast>.

FOR FURTHER INFORMATION CONTACT: Megan Mackey, 206-526-6140, megan.mackey@noaa.gov.

SUPPLEMENTARY INFORMATION: The Pacific Coast groundfish fishery in the U.S. exclusive economic zone (EEZ) seaward of Washington, Oregon, and California is managed under the Groundfish FMP. The Council developed the Groundfish FMP pursuant to the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* The Secretary of Commerce approved the Groundfish FMP and implemented the provisions of the plan at 50 CFR part 660, subparts C through G. Species managed under the Groundfish FMP include more than 90 species of groundfish, flatfish, rockfish, sharks, and skates.

This proposed rule (also referred to interchangeably as “this proposed action”) would implement regulations for amendment 34 to the Groundfish FMP. Consistent with Magnuson-Stevens Act section 303(c)(1), the Council deemed the proposed regulations consistent with and necessary to implement amendment 34 in an October 1, 2024 letter from

Council Chairman, Merrick Burden, to Regional Administrator, Jennifer Quan. The Notice of Availability for amendment 34 that published on October 9, 2024 (89 FR 81878) describes the details of the Groundfish FMP changes established through this proposed action. NMFS is concurrently seeking comment on the Council’s proposed measures in amendment 34.

Background

The Council met over 2023 and 2024 to consider developing fisheries closures for deep-sea coral restoration and research in response to a request from the ONMS. ONMS conducts scientific research in National Marine Sanctuaries, including within MBNMS, under the NMSA and the Magnuson-Stevens Act.

In September 2023, ONMS presented a scoping paper that posed 5 locations with 10 sites within Greater Farallones National Marine Sanctuary and MBNMS, for deep seas coral restoration and research (section 1.2 of the Analysis). At that meeting, the Council chose to continue to scope closures in MBNMS only, at the locations of Año Nuevo and Ascension Canyons (two sites) and Sur Ridge (one site), for areas to conduct coral research and restoration. The Council proposed that these areas could be closed to bottom contact gears as GEAs. GEAs were established by amendment 32 to the Groundfish FMP (88 FR 83830, December 1, 2023) and are a management tool intended to mitigate the impacts to sensitive environments from certain groundfish fishing activity.

At the March 2024 meeting, the Council adopted a range of alternatives for this proposed action that included modified versions of the Año Nuevo and Ascension Canyon sites to address concerns raised by the public regarding closing off key fishing grounds shallower than 400 fathoms (fm) and enforcement concerns (section 1.2 of the Analysis). The Council also confirmed that the potential sites would only be proposed to be closed to commercial groundfish bottom contact gears and that no other gear types or fisheries would be proposed in the closures.

At the June 2024 meeting, the Council adopted its final preferred alternative to develop a GEA for commercial groundfish bottom contact gear at Sur Ridge in MBNMS. If the GEA is established, it is expected that ONMS would begin deep-sea coral outplanting at Sur Ridge in 2025.

The proposed GEA at Sur Ridge would apply to commercial groundfish vessels using bottom contact gear. Currently, the GEA area is within a