



NMFS Announces a Proposed Rule to Establish the 2010 Commercial Quotas and Opening Dates for the Atlantic Shark Fisheries

The National Marine Fisheries Service (NMFS) announces a proposed rule that would establish quota levels and opening dates for the 2010 Atlantic commercial shark fisheries.

NMFS is proposing to adjust the annual commercial quotas due to overharvests in 2008 and 2009. The proposed 2010 quotas by species and species group are summarized in Table 1. At this time, while there are some individual species that are not overfished and do not have overfishing occurring (e.g. blacktip sharks in the Gulf of Mexico, Atlantic sharpnose, bonnethead, and finetooth sharks), the management complexes all have individual shark species that have been determined to be either overfished, have overfishing occurring, or have an unknown stock status. Therefore, any underharvests from the 2009 fishing season for the different shark species and/or complexes will not be applied to the 2010 quotas. In the proposed rule, the landings data were reported to NMFS as of September 15, 2009. The 2010 proposed quotas for the respective shark complexes/species are subject to change in the final rule for this action, based on dealer reports received as of October 30, 2009. All dealer reports that are received by NMFS after that date will be used to adjust the 2011 quotas, as appropriate.

NMFS is considering several alternatives that may impact the opening dates for 2010 shark fishing season. NMFS proposes to open the pelagic shark and shark research fisheries on or about January 1, 2010 depending on when this proposed rule is finalized and effective. NMFS also proposes to keep the SCS fishery closed until the effective date of the final rule for Amendment 3 to the Consolidated HMS FMP. This delayed opening would allow the SCS fishery to open under any new quotas established in Amendment 3. Also, NMFS proposes to open the non-sandbar LCS fishery in the Gulf of Mexico and the Atlantic regions on July 15, 2010. Delaying the start of the 2010 non-sandbar LCS fishery in both the Atlantic and Gulf of Mexico regions is intended to provide equitable fishing opportunities among shark fishery participants in all states to catch the non-sandbar LCS quota.

NMFS will hold several public hearings for this rulemaking along the Atlantic Coast and Gulf of Mexico in November 2009 (See Table 2). During these hearings, NMFS will receive public feedback on the proposed management measures.

Table 2. Public hearing schedule for the 2010 Shark Fishing Season

| Date | Time | Hearing Location | Hearing Address |
|-------------------|------------------|-------------------------|---|
| November 16, 2009 | 5:00 – 8:00 p.m. | Manteo Town Hall | 407 Budleigh Street Manteo, NC 27954 |
| November 18, 2009 | 5:00 – 8:00 p.m. | Belle Chasse Auditorium | 8398 HWY. 23 Belle Chasse, LA 70037 |
| November 23, 2009 | 5:00 – 8:00 p.m. | Jupiter Branch Library | 705 Military Trail Jupiter, FL 33458 |

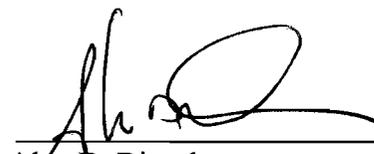
The comment period for this proposed rule is open until November 27, 2009. Written comments, identified by "0648-AX95", may be submitted electronically via the Federal eRulemaking Portal <http://www.regulations.gov>, or sent by fax or mail to the contact information included below.

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.

This notice is a courtesy to the HMS fishery participants to help keep you informed about your fishery. Official notice of Federal actions is made through filing such notice with the Office of Federal Register. For further information on this proposed rule and its requirements, contact Karyl Brewster-Geisz or Guý DuBeck at 301-713-2347. Copies of the proposed rule are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-713-2347, fax: 301-713-1917). The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>.

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Director, Office of Sustainable Fisheries

10/28/09
Date

Table 1. 2010 proposed quotas and opening dates for non-sandbar LCS and sandbar sharks. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise.

| Species Group | Region | 2009 Annual Quota (A) | Preliminary 2009 Landings ¹ (B) | Overharvest (C) | 2010 Base Annual Quota ² (D) | 2010 Proposed Quota (D-C) | Season Opening Dates ³ |
|---|--------------------|--------------------------|--|------------------|---|---------------------------|-----------------------------------|
| Non-Sandbar Large Coastal Sharks | Gulf of Mexico | 390.5 (860,896 lb dw) | 317.2 (699,366 lb dw) | - | 390.5 (860,896 lb dw) | 390.5 (860,896 lb dw) | July 15, 2010 |
| | Atlantic | 187.8 (414,024 lb dw) | 200.8 (442,790 lb dw) | 13 | 187.8 (414,024 lb dw) | 174.8 (385,364 lb dw) | July 15, 2010 |
| Non-Sandbar LCS Research Quota | No regional quotas | 37.5 (82,673 lb dw) | 37 (81,572 lb dw) | - | 37.5 (82,673 lb dw) | 37.5 (82,673 lb dw) | On or about January 1, 2010 |
| Sandbar Research Quota | | 87.9 (193,784 lb dw) | 79.7 (175,627 lb dw) | - | 87.9 (193,784 lb dw) | 87.9 (193,784 lb dw) | On or about January 1, 2010 |
| Small Coastal Sharks ⁴ | | 454 (1,000,888 lb dw) | 180.1 (397,190 lb dw) | - | 454 (1,000,888 lb dw) | 454 (1,000,888 lb dw) | On or about April 30, 2010 |
| Blue Sharks | | 273 (601,856 lb dw) | 1.4 (3,122 lb dw) | - | 273 (601,856 lb dw) | 273 (601,856 lb dw) | On or about January 1, 2010 |
| Porbeagle Sharks | | 1.4 (3,086 lb dw) | 0.2 (383 lb dw) | 0.2 ⁵ | 1.7 (3,748 lb dw) | 1.5 (3,307 lb dw) | On or about January 1, 2010 |
| Pelagic Sharks Other Than Porbeagle or Blue | | 488 (1,075,856 lb dw) | 69.7 (153,723 lb dw) | - | 488 (1,075,856 lb dw) | 488 (1,075,856 lb dw) | On or about January 1, 2010 |

¹ Landings are from January 23, 2009, until September 15, 2009, and are subject to change.

² 2010 annual base quotas for sandbar and non-sandbar LCS are the annual adjusted base quotas that are effective from July 24, 2008, until December 31, 2012 (50 CFR 635.27(b)(1)(iii) and (iv)).

³ The January 1, 2010 proposed opening dates are dependant on the effective date of the final rule. The on or about April 30 proposed opening date is dependant on the effective date for the final rule implementing Amendment 3.

⁴ The quota in the table is based on current SCS quota regulations. NMFS is in the proposed rule stage of Amendment 3 to the Consolidated HMS FMP that proposes new non-blacknose SCS and blacknose shark quotas starting in the 2010 SCS fishing season.

⁵ NMFS intends to adjust the 2010 quota for porbeagle sharks to account for the 0.2 mt dw overharvest that happened in 2008 after the 0.3 mt dw overharvest was accounted for in the final rule establishing the 2009 quota.