



NMFS to Reconsider Dusky Shark Measures Proposed in Draft Amendment 5 to the Consolidated Highly Migratory Species Fishery Management Plan

February 20, 2013

On November 26, 2012, we published a proposed rule (77 FR 70552) for draft Amendment 5 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) based on several shark stock assessments that were completed from 2009 to 2012. As described in the proposed rule, we proposed measures that were designed to reduce fishing mortality and effort in order to rebuild various overfished Atlantic shark species, including dusky sharks, while ensuring that a limited sustainable shark fishery could be maintained consistent with our legal obligations and the 2006 Consolidated HMS FMP. The proposed measures include changing commercial quotas and species groups, establishing several new time/area closures, changing an existing time/area closure, increasing the recreational minimum size for sharks, and establishing recreational reporting for certain species of sharks.

The comment period for the proposed rule closed on February 12, 2013. During the comment period, we received numerous comments on the proposed dusky shark measures regarding the data sources used and the analyses of these data. We also received many comments requesting consideration of approaches to dusky shark fishery management that were significantly different from those we analyzed in the proposed rule and Draft Amendment 5. For example, commenters suggested exemptions to a recreational minimum size increase to allow landings of other sharks such as blacktip sharks or "blue" sharks such as shortfin mako or thresher sharks, and other commenters suggested implementing gear restrictions instead of additional pelagic longline closures.

After reviewing all of the comments received, we are not planning to proceed at this time with the dusky shark measures as proposed. We will address the dusky shark overfishing and rebuilding plan in a proposed separate action. Comments received on the dusky shark portions of the November 2012 proposed rule will be considered in that action.

Addressing the dusky shark management measures in a subsequent and proposed separate action will allow us to conduct additional analyses, explore different approaches, and fully consider and address public comments while also allowing us to move forward with management measures necessary to end overfishing and rebuild the other shark stocks (e.g., scalloped hammerhead) included in draft Amendment 5 and its proposed rule.

This notice is a courtesy to the Atlantic HMS fishery participants to help keep you informed about the fishery. Official notice of Federal actions is made through filing such notice with the Office of Federal Register. For further information on action, contact Peter Cooper or Karyl Brewster-Geisz at 301-427-8503. Copies of related documents are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-427-8503, 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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