



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

## Advance Notice of Proposed Rulemaking for Atlantic Highly Migratory Species Management and Permitting

The National Marine Fisheries Service (NMFS) has published an advance notice of proposed rulemaking (ANPR), which requests public comment on potential adjustments to the regulations governing the U.S. Atlantic bluefin tuna (BFT), north Atlantic swordfish (SWO), and shark fisheries to enable more thorough utilization of the available BFT and SWO quotas and to improve the permit structure for Atlantic Highly Migratory Species (HMS) fisheries.

All comments received in response to this ANPR will be considered in any potential future rulemakings. Potential action(s) may to increase opportunities for U.S. fisheries to fully harvest the U.S. quotas recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) while balancing continuing efforts to end BFT overfishing by 2010 and rebuild the stock by 2019; to continue efforts to revitalize the SWO fishery while minimizing bycatch to the extent practicable; and to clarify and simplify the current HMS permit structure. NMFS is also requesting public comment regarding the potential implementation of catch shares, limited access privilege programs (LAPPs), and individual bycatch caps (IBCs) in HMS fisheries. This ANPR provides background information to inform the public on several actions that NMFS is considering to accomplish these objectives.

### ***BFT Fishery Issues***

NMFS requests comment specifically on the following potential changes to the directed BFT fishery regulations: increasing the General category maximum daily retention limit (currently three BFT greater than 73 inches) or eliminating it; extending the General category season (currently closed February through May); eliminating a retention limit restriction for the Harpoon category; decreasing the commercial minimum size for the General and Harpoon categories and reallocating quota within those categories to allow access to fish under 73 inches; allowing HMS Charter/Headboats to fish both commercially and recreationally on the same day; reallocating BFT subquotas to create a separate BFT Charter/Headboat category quota; and allowing harpoon use on HMS Charter/Headboat vessels. NMFS is also considering a change to the Atlantic tunas regulations, including BFT, that would allow removal of tuna tails at sea.

### ***North Atlantic SWO, Atlantic Shark, and Atlantic BFT Fishery Issues***

NMFS is considering several potential actions to address permitting issues related, in part, to the BFT and SWO fisheries' underharvests in recent years. Comment is requested on a potential increase to the current incidental BFT retention limits for the PLL fishery, potential expansion of the Atlantic Tunas General category permit to an Atlantic HMS General commercial handgear permit (to include Atlantic swordfish and sharks), and a squid trawl exemption to the current permit requirements that would allow swordfish harvest.



### ***Catch Share Programs***

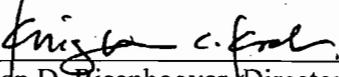
NMFS is considering development and implementation of catch share programs and/or LAPPs in Atlantic HMS fisheries. NMFS requests comment on the ability of catch shares and/or LAPPs to increase operational flexibility, harvest timing flexibility, fishing efficiency, and profitability as well as the potential pitfalls to avoid during catch share/LAPP development in Atlantic HMS fisheries. NMFS is also considering development and implementation of bycatch caps that could be applied on an individual or regional basis. Comment is requested on the potential effects of bycatch caps on the health of populations of bycatch species, as well as potential advantages and disadvantages of bycatch cap programs.

***This ANPR has two separate comment periods.*** Because NMFS has already received substantive comment over the past year both for and against changing the BFT regulations, ***the comment period for the directed BFT fishery issues above ends June 30, 2009.*** ***The comment period for the remaining issues,*** which may require a greater amount of analysis and a longer comment period, will allow constituents to become more familiar with the issues through public meetings, thus facilitating more informed comment, ***ends August 31, 2009.*** Instructions for submitting public comments are contained in the ANPR. To view the ANPR, go to [www.nmfs.noaa.gov/sfa/hms/breaking\\_news.htm](http://www.nmfs.noaa.gov/sfa/hms/breaking_news.htm).

Public meetings to obtain additional comments on the items discussed in this ANPR will be held in June and July 2009. The meeting dates and locations are:

1. June 23, 2009, Holiday Inn, 151 Route 72 East, Manahawkin, NJ 08050 5:00-9:00 p.m.
2. June 25, 2009, Roanoke Island Festival Park, 1 Festival Park, Manteo, NC 27954 5:00-9:00 p.m.
3. June 29, Radisson Hotel Plymouth Harbor, 180 Water Street, Plymouth MA 02360 5:00-9:00 p.m.
4. July 21, Belle Chasse Auditorium, 8398 Hwy. 23, Belle Chasse, LA 70037 5:00-9:00 p.m.
5. July 28, Broward County Main Library, 100 S. Andrews Ave., Ft Lauderdale, FL 33301 5:00-9:00 p.m.

This notice is a courtesy to HMS fisheries participants to invite your comment and help keep you informed about potential future actions in the fisheries. Official notice of Federal fishery actions is made through filing such notice with the Office of the Federal Register. For further information, contact Sarah McLaughlin at (978) 281-9260 or Randy Blankinship at 727-824-5399.

  
Alan D. Risenhoover, Director  
Office of Sustainable Fisheries

JUN - 1 2009  
Date

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