



NMFS Announces a Proposed Rule for the Atlantic Shark Fishery

The National Marine Fisheries Service (NMFS) announces a proposed rule that would:

- establish quota levels for the 2011 Atlantic commercial shark fisheries,
- provide flexibility in shark fishery opening dates,
- provide flexibility to adjust shark trip limits inseason, and
- establish criteria for opening dates and inseason trip limit changes.

The proposed 2011 quotas by species and species group based on over- and underharvests are summarized in Table 1. Adjustments based on over- and underharvests depend on stock status. The proposed rule relies upon landings data reported to NMFS as of July 31, 2010. The 2011 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 31, 2010. All dealer reports that are received by NMFS after that date will be used to adjust the 2012 quotas, as appropriate.

In addition, NMFS considered several alternatives in a draft Environmental Assessment (EA) that may impact the opening dates and trip limits for the shark fishing seasons. NMFS analyzed an alternative that would establish criteria to determine the opening dates for the shark fisheries. Based on these criteria, NMFS proposes to open the shark research, blacknose shark, non-blacknose SCS, non-sandbar LCS fishery in the Gulf of Mexico region, and pelagic shark fisheries on the effective date for this action (*i.e.*, on or about January 1, 2011). However, NMFS proposes to open the non-sandbar LCS fishery in the Atlantic region on July 15, 2011. Another alternative was also analyzed that would allow NMFS to modify the trip limit through inseason actions to allow fishermen equitable access to the resource throughout the Gulf of Mexico and Atlantic regions. Currently, the trip limits are not proposed to change at the start of the fishing season.

NMFS is interested in feedback from the public and is holding several public hearings to gather such feedback along the Atlantic Coast and Gulf of Mexico in September and October (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
September 22	6:30 p.m.	Crowne Plaza Hotel	8777 Georgia Avenue Silver Spring, MD 20910
September 27	5 p.m.	Tequesta Branch Library	461 Old Dixie Highway Tequesta, FL 33469
October 4	5 p.m.	Belle Chasse Auditorium	8398 HWY. 23 Belle Chasse, LA 70037
October 6	2 p.m.	Conference Call	Toll Free Number: 1-800-857-3903 Passcode: 2381782



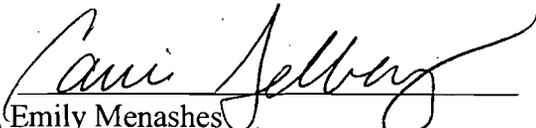
The comment period for this proposed rule is open until October 20, 2010. Written comments, identified by "0648-AY98", may be submitted electronically via the Federal eRulemaking Portal <http://www.regulations.gov>, or sent by fax or mail to the contact information included below. All comments received 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 draft EA, contact Karyl Brewster-Geisz or Guý DuBeck at 301-713-2347, or Jackie Wilson at 240-338-3936. Copies of the proposed rule and draft EA 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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Emily Menashes
Acting Director, Office of Sustainable Fisheries

SEP 20 2010

Date

Table 1. 2011 proposed quotas and opening dates for the Atlantic shark fisheries. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise.

Species Group	Region	2010 Annual Quota (A)	Preliminary 2010 Landings ¹ (B)	Overharvest (C)	2011 Base Annual Quota ² (D)	2011 Proposed Quota (D-C)	Season Opening Dates
Non-Sandbar Large Coastal Sharks	Gulf of Mexico	390.5 (860,896 lb dw)	407.9 (899,362 lb dw)	17.4	390.5 (860,896 lb dw)	373.1 (822,536 lb dw)	On or about January 1, 2011
	Atlantic	169.7 (374,121 lb dw)	22.2 (49,026 lb dw)		187.8 (414,024 lb dw)	190.4 ³ (419,756 lb dw)	July 15, 2011
Non-Sandbar LCS Research Quota	No regional quotas	37.5 (82,673 lb dw)	25.2 (55,487 lb dw)		37.5 (82,673 lb dw)	37.5 (82,673 lb dw)	On or about January 1, 2011
Sandbar Research Quota		87.9 (193,784 lb dw)	42.6 (93,844 lb dw)		87.9 (193,784 lb dw)	87.9 (193,784 lb dw)	
Non-Blacknose Small Coastal Sharks		221.6 (488,539 lb dw)	40.0 (88,187 lb dw)		221.6 (488,539 lb dw)	221.6 (488,539 lb dw)	
Blacknose Sharks		19.9 (43,872 lb dw)	6.8 (15,082 lb dw)		19.9 (43,872 lb dw)	19.9 (43,872 lb dw)	
Blue Sharks		273 (601,856 lb dw)	3.4 (7,388 lb dw)		273 (601,856 lb dw)	273 (601,856 lb dw)	
Porbeagle Sharks		1.5 (3,307 lb dw)	1.3 (2,824 lb dw)		1.7 (3,748 lb dw)	1.7 (3,748 lb dw)	
Pelagic Sharks Other Than Porbeagle or Blue		488 (1,075,856 lb dw)	92.9 (204,750 lb dw)		488 (1,075,856 lb dw)	488 (1,075,856 lb dw)	

¹ Landings are from January 1, 2010, until July 31, 2010, 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 NMFS intends to adjust the 2011 quota for Atlantic non-sandbar LCS to account for the 2.3 mt dw that was over estimated in the landings report in 2010 after the final rule establishing the 2010 quota published.