



National Marine Fisheries Service (NMFS) Announces a Proposed Rule to Require Electronic Dealer Reporting for Atlantic Highly Migratory Species (HMS) Dealers

NMFS is proposing to require all Federally-permitted Atlantic HMS dealers to report commercially-harvested Atlantic sharks, swordfish, and bigeye, albacore, skipjack, and yellowfin (BAYS) tunas to NMFS through an electronic reporting system. At this time, dealers would not be required to report bluefin tuna through this electronic reporting system as a separate reporting system is currently in place for this species.

This rulemaking also proposes to:

- Modify the definition of first receiver to no longer exempt entities used solely for transport, such as trucks. Trucks, or other conveyances of a dealer's place of business, are considered to be extensions of a dealer's place of business per 50 CFR § 635.8(b)(5);
- Require all first receivers of commercially-harvested Atlantic sharks, swordfish, and BAYS tunas by U.S. vessels to obtain an Atlantic swordfish, shark, and tunas dealer permit;
- Require all first receivers to report Atlantic sharks, swordfish, and BAYS tunas to NMFS through an electronic reporting system. Reporting timeframes would range between weekly and daily depending on the species, the amount of quota left, and the length of fishing season remaining; and,
- Allow a dealer to only be authorized to receive commercially-harvested Atlantic sharks, swordfish, and BAYS tunas if the dealer's reports have been submitted by the dealer and received by NMFS in a timely manner.

NMFS is considering this proposed rule because these measures are necessary to ensure timely and accurate reporting, which is critical for quota monitoring and management of these species. NMFS is working with the Northeast and Southeast Fisheries Science Centers to incorporate this system into existing electronic reporting systems, such as Standard Atlantic Fisheries Information System (SAFIS).

NMFS is interested in feedback from the public and is holding several public hearings to gather feedback during July 2011 (See Table 1). During these hearings, NMFS will receive public feedback on the proposed management measures.



Table 1. Public hearing schedule for the Electronic Dealer Reporting Proposed Rule

Location	Date	Time	Address
Manteo, NC	July 11, 2011	5:00 – 7:00 p.m.	Manteo Town Hall 407 Budleigh St. Manteo, NC 27954
Kenner, LA	July 13, 2011	2:00 – 5:00 p.m.	Hilton New Orleans Airport 901 Airline Drive Kenner, LA 70062
Panama City, FL	July 18, 2011	5:00 – 7:00 p.m.	Bay County Public Library 898 West 11th Street Panama City, FL 32401
Orlando, FL	July 19, 2011	5:30 – 7:30 p.m.	Jean Rhein Central Branch Library 215 N. Oxford Road Casselberry, FL 32707
Miami, FL	July 20, 2011	2:30 – 4:30 p.m.	Miami-Dade Public Library 101 West Flagler Street Miami, FL 33130
Peabody, MA	July 26, 2011	1:00 – 3:00 p.m.	Peabody Institute-West Branch 603 Lowell Street Peabody, MA 01960
Bronx, NY	July 27, 2011	5:30 - 7:30 p.m.	Parkchester Library 1985 Westchester Avenue (at Pugsley Ave.) Bronx, NY 10462
Atlantic City, NJ	July 28, 2011	3:30 – 6:30 p.m.	Atlantic County Library System Brigantine Branch 201 15th St. South, Brigantine, NJ 08203

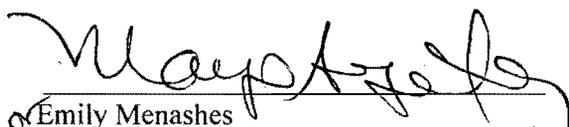
The comment period for this proposed rule is open until August 12, 2011. Written comments, identified by “0648- BA75”, may be submitted electronically via the Federal eRulemaking Portal <http://www.regulations.gov>, or sent by fax or mail to the contact information included below. Please do not submit electronic comments via e-mail, as doing so is likely to delay the timely review and consideration of submitted comments. 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 the 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 Initial Regulatory Flexibility Analysis (IRFA)/Regulatory Impact Review (RIR), contact Jackie Wilson at (240) 338-3936 or Delisse Ortiz at (301) 713-2347. Copies of the proposed rule and IRFA/RIR 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/>.

SIGN UP FOR ATLANTIC HMS NEWS

-- An electronic newsletter informing you of the latest HMS-related actions --

<http://www.nmfs.noaa.gov/sfa/hms/newslst/>


for Emily Menashes
Acting Director, Office of Sustainable Fisheries

JUN 28 2011

Date