

**PROPOSED RULE**  
**RENEWAL OF ATLANTIC TUNAS LONGLINE LIMITED  
ACCESS PERMITS (ATLPs)**  
**&**  
**ATLANTIC SHARK IDENTIFICATION WORKSHOP  
ATTENDANCE REQUIREMENTS**

Highly Migratory Species Management Division  
NMFS/NOAA  
April 2008



# Process

- April 11, 2008 – Proposed Rule published in Federal Register (73 FR 19795)
- April 16, 2008 – HMS Advisory Panel review
- May 1 - 7, 2008 – Public hearings held in Gloucester, MA; St. Petersburg, FL; and, Silver Spring, MD
- May 12, 2008 – Comment period closes
- ~ June 2008 – Final Rule publishes
- ~ July 2008 – Regulations effective

# Introduction

- Proposed rule concerning regulatory changes to address technical/operational constraints.
- Anticipated to result in some economic benefits to affected entities.
- Anticipated to result in only minor ecological impacts.

# Renewal of ATLPs (Background)

- Follow-up to the “swordfish revitalization” final rule (72 FR 31688, June 7, 2007).
  - modified upgrading restrictions for vessels concurrently issued all 3 LAPs as of: 8/6/07
- During implementation, NMFS found inconsistencies between swordfish/shark permits and the ATLTP which were primarily due to differences in the permitting systems used to administer and issue these permits.

# Swordfish & Shark Permits

- Administered by SERO Permits Office.
- NMFS mails paper renewal applications to permit holders.
- Swordfish & shark permits may be held in “NOVESID” status.
- Swordfish and shark permits have a unique permit number that remains unchanged through time, even if permit is transferred.

# ATLPs

- Administered using [www.hmspermits.gov](http://www.hmspermits.gov).
- General permit renewal reminder letter mailed.
- “NOVESID” status not available. ATLP must be linked to a vessel.
- ATLP does not have a unique number associated with it through transfer, ATLP permit number remains linked to vessel’s USCG Doc. or state registration number.
- “Ownership” of ATLP can be more difficult to track upon permit transfer(s).

# Current HMS Regulation

§ 635.4(m)(2) - .....Only persons holding a non-expired limited access permit(s) in the preceding year are eligible to renew a limited access permit(s)....

# Current Situation

- ATLP permit system constraints fully recognized in September 2007.
- ~ 40 permit holders that thought they were eligible for the ATLP were notified that it had been expired for more than one year and, thus, were ineligible to renew it.
- All of these permit holders have maintained their swordfish & shark permits since limited access implemented.

# Current Situation (continued)

- ~ 40 vessels are no longer allowed to retain swordfish, or tunas captured on longline gear.
- Must concurrently be issued: 1) swordfish permit (directed or incidental); 2) shark permit (directed or incidental); and 3) an ATLP.
- The number of available ATLPs may be insufficient to match the number of available swordfish and shark permits.

# Objectives

- Amend HMS regulations to be more reflective of the operational capabilities.
- Ensure adequate number of ATLPs are available for swordfish and shark permit holders.
- Reinforce recent efforts by NMFS to revitalize swordfish fishery by providing a reasonable opportunity to harvest ICCAT-recommended quota.

# Alternatives for Renewal of ATLPs

- Alternative 1 – No action (*status quo*).
- Alternative 2 – (*Preferred Alternative*) Allow for the renewal of ATLPs that have been expired for more than one year
  - By the most recent permit holder of record;
  - Provided that swordfish and shark permits have been maintained;
  - All other requirements for permit renewal are met.

# Summary of Impacts

- Preferred alternative would not increase number of ATLP permit holders beyond the number of current swordfish directed or incidental permits.
  - Only persons holding non-expired swordfish and shark permits in the preceding year are eligible to renew those permits.
  - Requires possession of swordfish and shark permits to obtain an ATLP.
  - Requires possession of 3 permits (swordfish, shark, and ATLP) to fish/retain HMS with PLL gear.

# Summary of Impacts

(continued)

- Preferred alternative reflects operational capabilities of ATLP permit system, and would clarify operational practices.
- No significant changes to historical fishing practices, fishing effort, or economic impact anticipated.

# Shark ID Workshops (Background)

- Consolidated HMS FMP requires shark dealers/proxies to attend ID Workshop to renew permit (eff. 1/1/08).
- Dealers trained receive certificates for each location listed on their permit.
- If proxies trained, one for each location listed on the dealer permit must attend.
- Dealers may not receive shark products unless certificate is on the premises.

## Background (continued)

- Dealers might not receive shark products at all locations listed on their permit, thus making it unnecessary to require workshop certification for those locations.
- It is currently not feasible to modify NMFS permits database to identify only locations that actually receive shark products on the Atlantic shark dealer permit.

# Alternatives for Shark Workshops

- Alternative 1 – No action (*status quo*).
- Alternative 2 – (*Preferred Alternative*) Require certificate (dealer or proxy) for each place of business where Atlantic sharks are first received, and require that dealer's trucks and other conveyances possess a copy of a valid workshop certificate.

# Summary of Impacts

- Preferred alternative would primarily affect dealers that:
  - (1) opt to send proxies to the workshop;
  - (2) have multiple locations listed on their dealer permit; and,
  - (3) only receive shark products at some of the locations listed on their shark dealer permit.
- Preferred alternative would eliminate the need for a dealer to send a proxy to a workshop for a location that does not receive Atlantic shark products.

# Summary of Impacts (continued)

- Preferred alternative could reduce economic burden by reducing the number of proxies that may be required to attend workshops.
- Identification/reporting would not be compromised as locations that “first receive” sharks would be required to have a certificate.
- Dealer trucks and other conveyances would be considered extensions of the dealer and would be required to possess a copy of the dealers certificate.

# Public Hearings

- May 1, 2008: 3:30 - 5:30 p.m., NMFS Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.
- May 6, 2008: 6 - 8 p.m., NMFS Southeast Regional Office, 263 13th Avenue South, Saint Petersburg, FL 33701.
- May 7, 2008: 3 - 5 p.m., NOAA Headquarters Auditorium, 1301 East West Highway, Silver Spring, MD 20910.

# Public Comments

- Comment period closes: 5:00 p.m. on May 12, 2008.
- Mail: NMFS HMS Management Division, 263 13th Avenue South, Saint Petersburg, FL, 33701. Please mark the outside of the envelope “Comments on Proposed Tuna Permits/Workshops Rule.”
- Fax: (727) 824-5398
- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Search on and include in the subject line the following identifier: RIN 0648-AW46.
- For further information contact: Richard A. Pearson, (727) 824-5399.