

DRAFT

**AMENDMENT 3 TO THE CONSOLIDATED
ATLANTIC HIGHLY MIGRATORY SPECIES
FISHERY MANAGEMENT PLAN**

Including:

A Draft Environmental Impact Statement,
A Draft Regulatory Impact Review,
An Initial Regulatory Flexibility Analysis,
A Draft Social Impact Analysis

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Highly Migratory Species Management Division
Office of Sustainable Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910



Amendment 3 to the Consolidated Atlantic Highly Migratory Species Fishery Management Plan

- Actions:** Implement management measures consistent with recent stock assessments for small coastal sharks (SCS) and shortfin mako sharks; establish a rebuilding plan for blacknose sharks; implement commercial quota limits consistent with stock assessment recommendations to prevent overfishing and rebuild overfished stocks; modify commercial gear restrictions to reduce fishing mortality of overfished/overfishing stocks; modify recreational measures or prohibit the retention of overfished stocks; and, modify the Atlantic HMS management unit to include smooth dogfish.
- Type of Statement:** Draft Environmental Impact Statement; Initial Regulatory Impact Review; Initial Regulatory Flexibility Analysis; Initial Social Impact Statement
- Lead Agency:** National Marine Fisheries Service
- For Further Information:** Margo Schulze-Haugen
Highly Migratory Species Management Division (F/SF1)
1315 East West Highway
Silver Spring, MD 20910
(301) 713-2347; (301) 713-1917
- Abstract:** The National Marine Fisheries Service (NMFS) is amending the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan based on several stock assessments that were completed in 2007 and 2008. Assessments for finetooth, Atlantic sharpnose, and bonnethead sharks indicated that these species are not overfished with no overfishing occurring. The assessment for blacknose sharks indicated that this species is overfished and experiencing overfishing. The assessment for shortfin mako sharks indicated that this species is not overfished, but is approaching an overfished status and is experiencing overfishing. Section 301(a) (National Standard 1) and Section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) requires the Agency to implement management measures that prevent overfishing and rebuild overfished stocks, as necessary. Section 304(i) applies in place of Section 304(e) to fisheries in or approaching an overfished condition due to excessive international fishing pressure. Based on the new stock assessments, and after considering comments received during scoping and on a Predraft document, NMFS is proposing measures that will reduce fishing mortality and effort in order to rebuild overfished Atlantic shark species while ensuring that a limited shark fishery can be maintained. Additionally, NMFS is proposing adding smooth dogfish under NMFS management due to growing concerns regarding the status of this unmanaged species.

EXECUTIVE SUMMARY

The National Marine Fisheries Service (NMFS) is proposing management measures that would reduce fishing mortality and effort in order to rebuild overfished Atlantic shark species while ensuring that a limited shark fishery can be maintained and establishing federal management of smooth dogfish.

Atlantic Highly Migratory Species (HMS) are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). Under the Magnuson-Stevens Act, NMFS must manage fisheries to maintain optimum yield (OY) on a continuing basis while preventing overfishing. Under ATCA, NMFS is authorized to promulgate regulations, as may be necessary and appropriate, to implement the recommendations from the International Commission for the Conservation of Atlantic Tunas (ICCAT). The measures proposed in this amendment and associated rulemaking are taken under the authority of the Magnuson-Stevens Act. Currently, Atlantic sharks, tunas, swordfish, and billfish are managed under the 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP), and its amendments.

Based on the 2007 stock assessment, NMFS determined that blacknose sharks are overfished with overfishing occurring. As a result, NMFS announced its intent to prepare an Environmental Impact Statement on May 7, 2008 (73 FR 25665). In this notice, NMFS asked for comments on existing commercial and recreational shark management measures that would assist the Agency in determining options for conservation and management of Atlantic sharks consistent with relevant federal statutes. On July 2 (73 FR 37932) and September 13 (73 FR 53407), NMFS announced the availability of a scoping document and five scoping meetings that would be held from July through September 2008. During the scoping meetings, NMFS described the results of recent stock assessments, issues that need to be addressed concerning shark management, options or alternatives that may be implemented to achieve objectives, and consulted with the five Atlantic Fishery Management Councils (New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, and the Caribbean) and the two Atlantic interstate Marine Fisheries Commissions (Atlantic States and Gulf States), and the HMS Advisory Panel (AP). The comment period ended on November 14, 2008. NMFS released a Predraft of Amendment 3 to the 2006 Consolidated HMS FMP and a summary of the scoping comments to the HMS AP in February 2009. NMFS requested that the HMS AP and consulting parties (New England, Mid-Atlantic, South Atlantic, Gulf, and Caribbean Fishery Management Councils, Marine Fisheries Commissions, U.S. Coast Guard, and other State and Federal Agency representatives) submit comments on the Predraft by March 16, 2009. While some of the options considered in the Predraft have changed in this draft Amendment 3 to the 2006 Consolidated HMS FMP (hereafter referred to as Amendment 3), the overall list of issues to be addressed has not changed. A summary of the comments received during scoping (May 7, 2008 to November 14, 2008) can be found on the HMS website: http://www.nmfs.noaa.gov/sfa/hms/newslist/2009/02-12-09_Predraft_for_Amendment_3.pdf. The summaries and the transcripts of the September 2008 and February 2009 AP meetings can also be found on the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/>.

To achieve the purpose and need, NMFS considered a range of alternative management measures from several different topics including SCS commercial quotas (Alternatives A1 through A5), commercial gear restrictions (Alternatives B1 through B3), pelagic shark effort controls (Alternatives C1 through C6), recreational measures for SCS (Alternatives D1 through D4) and pelagic sharks (Alternatives E1 through E5), and smooth dogfish management measures (Alternatives F1 through F3). For NEPA purposes, NMFS considered a full range of alternatives and carried forward those considered to be reasonable for full consideration in the DEIS. Consistent with the regulations published by the Council on Environmental Quality, 40 C.F.R. 1501-1508 (CEQ Regulations), NMFS has identified its preferred alternatives. The alternatives in this document considered the comments received from the public and consulting parties during the scoping and Predraft stages. A full description and analysis of the different alternatives can be found in Chapters 2 and 4 of this document. NMFS has identified preferred alternatives within each of the lettered topics, and believes that the preferred alternatives in this document should, consistent with the Magnuson-Stevens Act and other domestic laws, rebuild overfished Atlantic shark stocks, end overfishing of Atlantic sharks, balance the needs of the fishermen and communities with the needs of the resource and scientists, and maximize sustainable fishing opportunities. Based on public comments, NMFS will consider and reassess all alternatives, including those suggested by the public, before making a final decision.

The CEQ regulations direct Federal agencies to the full extent possible to integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all procedures run concurrently rather than consecutively. To that end, this document integrates the Draft Environmental Impact Statement (DEIS) required by NEPA with the fisheries planning and management requirements associated with proposed amendment to a FMP under the Magnuson-Stevens Act, the Initial Regulatory Flexibility Analysis (IRFA) required under the Regulatory Flexibility Act (RF), 5 U.S.C. §§601-603; and the Regulatory Impact Review (RIR) prepared in accordance with Executive order 12866, “Regulatory Planning and Review.”

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List of Commonly Used Abbreviations and Acronyms

AA	Assistant Administrator for Fisheries
ABC	Allowable biological catch
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACS	Angler consumer surplus
ACL	Annual Catch Limit
ACTs	Allowable catch targets
ALRS	Automated Landings Reporting System
ALS	Accumulative Landings System
ALWTRP	Atlantic Large Whale Take Reduction Plan
ALWTRT	Atlantic Large Whale Take Reduction Team
AMs	Accountability Measures
ANPR	Advanced Notice of Proposed Rulemaking
AOCTRP	Atlantic Offshore Cetacean Take Reduction Plan
AOCTRT	Atlantic Offshore Cetacean Take Reduction Team
AP	Advisory Panel
APA	Administrative Procedure Act
ASA	American Sportfishing Association
ASMFC	Atlantic States Marine Fisheries Commission
ATCA	Atlantic Tunas Convention Act
AVHRR	Advanced Very High Resolution Radiometer
B	Biomass
B_{MSST}	Biomass of the minimum stock size threshold
B_{MSY}	Biomass expected to yield maximum sustainable yield
B_{OY}	Biomass expected to yield optimum yield
BAYS	Bigeye, albacore, yellowfin, skipjack tunas
BDTRP	Bottlenose Dolphin Take Reduction Plan
BDTRT	Bottlenose Dolphin Take Reduction Team
BET	Bigeye tuna
BETYP	Bigeye Tuna Year Program
BFT	Bluefin tuna
BiOp	Biological Opinion
BLL	Bottom Longline
BSD	Bluefin Tuna Statistical Document
BTF	By the fish
BUM	Blue marlin
CAR	Caribbean Statistical Area
CBP	Customs and Border Protection
Census Bureau	U.S. Bureau of the Census

CFDBS	Commercial Fisheries Database System
CFMC	Caribbean Fishery Management Council
CFL	Curved fork length
CFR	Code of Federal Regulations
CHB	Charter/Headboat
CHRA	Cape Hatteras Special Research Area
CIAT	Spanish for IATTC
CIE	Center for Independent Experts
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CL	Carcass length
COASTSPAN	Cooperative Atlantic States Shark Pupping and Nursery Survey
COE	Certificate of Eligibility
COFI	Committee on Fisheries
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
CPI	Consumer Price Index
CPUE	Catch per unit effort
CSFOP	Commercial Shark Fishery Observer Program (run by University of Florida)
CSR	Center for Shark Research
CSTP	Cooperative Shark Tagging Program
CV	Coefficient of Variation
CZMA	Coastal Zone Management Act
DEA	Data Envelopment Analysis
DEIS	Draft Environmental Impact Statement
DPS	Distinct Population Segment
DRG	Dredge
DSGFOP	Directed Shark Gillnet Fishery Observer Program
dw	Dressed weight
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFC	East Florida Coast closed area
EFH	Essential fish habitat
EFP	Exempted fishing permit
EIS	Environmental Impact Statement
EO	Executive Order
ERA	Ecological Risk Assessments
ESA	Endangered Species Act
F	Instantaneous fishing mortality
F _{MSY}	Instantaneous fishing mortality rate expected to yield maximum sustainable yield
F _{OY}	Fishing mortality rate expected to yield optimum yield

FAD	Fish aggregating device
FAO	Food and Agriculture Organization
FAS	Free Alongside Ship
FCZ	Fishery Conservation Zone
FEC	Florida East Coast Statistical Area
FEIS	Final Environmental Impact Statement
FL	Fork length
FMP	Fishery management plan
FMU	Fishery management unit
FR	Federal Register
FRFA	Final regulatory flexibility analysis
GDP	Gross Domestic Product
GIS	Geographic Information System
GLM	Generalized Linear Models
GOM	Gulf of Mexico
GSAFDF	Gulf and South Atlantic Fishery Development Foundation
GMFMC	Gulf of Mexico Fishery Management Council
GSMFC	Gulf States Marine Fisheries Commission
GulfFIN	Gulf of Mexico commercial Fishery Information Network
HACCP	Hazard Analysis Critical Control Point
HAPC	Habitat Area Of Particular Concern
HB	Hierarchical-Bayesian
HBS	Headboat Survey, Southeast
HMS	Highly migratory species: Atlantic sharks, tunas, swordfish, and billfish
HPTRP	Harbor Porpoise Take Reduction Plan
HPTRT	Harbor Porpoise Take Reduction Team
HTS	Harmonized Tariff Schedule
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IDL	Interdorsal length
IFQ	Individual Fishing Quota
ILAP	Initial limited access permit
IMARPE	Instituto del Mar del Peru
INP	Instituto Nacional de Pesca
IPOA	International Plan of Action
IRFA	Initial regulatory flexibility analysis
ITP	International Trade Permit
ITQ	Individual transferable quota
ITS	Incidental take statement

IUU	Illegal, Unregulated, and Unreported
kg	Kilogram
LAP	Limited access permit
LAPP	Limited access privilege program
LCS	Large coastal sharks
LJFL	Lower jaw fork length
LOA	Letter of Acknowledgment
LOF	List of Fisheries
LPS	Large Pelagic Survey
M	Mortality
MAB	Mid-Atlantic Bight Statistical Area
MAFMC	Mid-Atlantic Fishery Management Council
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MDMF	Massachusetts Division of Marine Fisheries
MFMT	Maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MMS	Minerals Management Service
MPA	Marine protected area
MRFSS	Marine Recreational Fishing Statistics Survey
MSL	Mississippi Laboratories, SEFSC, NMFS
MSRA	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act
MSST	Minimum stock size threshold
MSY	Maximum sustainable yield
mt	Metric tons
NAS	National Academy of Sciences
NCA	North Central Atlantic
NEC	Northeast Coastal Statistical Area
NED	Northeast Distant Statistical Area
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center, NMFS
NEPA	National Environmental Policy Act
NERO	Northeast Regional Office, NMFS
NFRDI	National Fisheries Research and Development Institute
NGO	Non-governmental organization
NMFS	National Marine Fisheries Service
nmi	Nautical mile
NOA	Notice of Availability
NOAA	National Oceanographic and Atmospheric Administration
NOI	Notice of Intent

NPOA	National Plan of Action
NRC	Natural Resources Consultants, Inc.
NS	National Standards
NS 1	National Standard 1 Guidelines
NWGB	National Working Group on Bycatch
NYB	New York Bight
OFL	Overfishing limit
OPR	Office of Protected Resources
OSF	Office of Sustainable Fisheries
OY	Optimum yield
PAT	Pop-up archival tag
PDF	Personal flotation device
PIFSC	Pacific Islands Fisheries Science Center
PLL	Pelagic longline
PLTRP	Pelagic Longline Take Reduction Plan
PLTRT	Pelagic Longline Take Reduction Team
PMP	Preliminary Fishery Management Plan
POP	Pelagic observer program
PPI	Producer price index
PRA	Paperwork Reduction Act
PRD	Protected Resources Division
PRM	Post-release mortality
PSA	Productivity and Susceptibility Analysis
PSAT	Pop-up satellite archival tag
RBS	Recreational Billfish Survey
RFA	Regulatory Flexibility Act
RIR	Regulatory Impact Review
RFMC	Regional Fishery Management Council
RFMO	Regional Fishery Management Organizations
RPAs	Reasonable and Prudent Alternatives
RPMs	Reasonable and Prudent Measures
RUM	Random utility model
S&T	NMFS's Science and Technology
SAB	South Atlantic Bight
SAFE Report	Stock Assessment and Fishery Evaluation Report
SAFMC	South Atlantic Fishery Management Council
SAI	Sailfish
SAR	Sargasso Sea
SARA	Species at Risk Act

SBR	Spawning Stock Biomass Ratio
SBRM	Standardized Bycatch Reporting Methodology
SCRS	Standing Committee for Research and Statistics
SCS	Small coastal sharks
SCUBA	Self contained underwater breathing apparatus
SD	Statistical document
SEAMAP	Southeast Area Monitoring and Assessment Program
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center, NMFS
SEIS	Supplemental Environmental Impact Statement
SEN	Seines
SERO	Southeast Regional Office, NMFS
SEW	Stock evaluation workshop
SFA	Sustainable Fisheries Act
SFL	Straight fork length
SFM	Shortfin mako
SK Program	Saltonstall-Kennedy Program
SPOT	Smart position or temperature transmitting
SRP	Scientific research permit
SSB	Spawning stock biomass
SSF	Spawning Stock Fecundity
SSN	Spawning Stock Number
SWFSC	Southwest Fisheries Science Center
T-NB	Truncated negative binomial
TAC	Total allowable catch
TAG	Tag-A-Giant
TAL	Total allowable landings
TCs	Terms and Conditions
TEDs	Turtle exclusion devices
TDRs	Temperature-depth recorders
TL	Total length
TRP	Take Reduction Plan
TUNS	Tuna North and Tuna South
TWL	Trawls
TXPWD	Texas Parks and Wildlife Department
UNK	Unknown
USFWS	United States Fish and Wildlife Service
USVI	U.S. Virgin Islands

VIMS	Virginia Institute of Marine Science
VMS	Vessel monitoring system
VTR	Vessel Trip Report, NMFS NER
WHM	White marlin
WPFMC	Western Pacific Fishery Management Council
WTP	Willingness to pay
ww	Whole weight
WWF	World Wildlife Fund
YFT	Yellowfin tuna
YOY	Young of the year
ZINB	Zero-inflated negative binomial
ZIP	Zero-inflated Poisson
ZMRG	Zero Mortality Rate Goal