



NMFS Announces a Closure of the Commercial Blacknose and Non-Blacknose Small Coastal Shark Fisheries

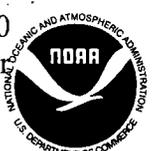
The National Marine Fisheries Service (NMFS) projects that the landings for the commercial blacknose shark fishery have exceeded 80 percent of the available quota. Under 50 CFR 635.28(b)(3), when the National Marine Fisheries Service (NMFS) projects that landings for either blacknose shark or non-blacknose small coastal shark (SCS) quota have reached or are projected to reach 80 percent of the available quota within a given fishing season, NMFS will file for publication with the Office of the Federal Register a notice of closure for the entire SCS fishery, including both the blacknose and non-blacknose SCS fisheries, that will be effective no fewer than 5 days from the date of filing. As required by this regulation, NMFS is closing both the commercial blacknose shark and non-blacknose small coastal shark (SCS) fisheries as of 11:30 p.m. local time **November 2, 2010**. From the effective date and time of the closure until and if NMFS announces, via a notice in the Federal Register, that additional quota is available and the season is reopened, this fishery for that specific quota is closed, even across fishing years.

On June 1, 2010 (75 FR 30484), NMFS announced the final rule for Amendment 3 to the Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), which, among other things, established quotas and opening dates for the 2010 blacknose shark and non-blacknose SCS fisheries. Both the blacknose shark and non-blacknose SCS fisheries opened on June 1, 2010, with base quotas of 19.9 metric tons (mt) dressed weight (dw) (43,872 lb dw) and 221.6 mt dw (488,539 lb dw), respectively. Dealer reports recently received through the September 30, 2010, reporting period indicate that 13.4 mt dw or 68 percent of the available blacknose shark fishery quota has been landed, and that 89.1 mt dw or 40 percent of the available non-blacknose SCS fishery quota has been landed.

NMFS looked at two projection scenarios. Under the first scenario, NMFS used the average rate of blacknose sharks per day from the entire 2010 fishing period (June 1 to September 30). Under this scenario, the projections estimate that 16.9 mt dw or 85 percent of the blacknose shark quota, and 110.9 mt dw or 50 percent of the non-blacknose SCS quota could be landed by October 31, 2010.

Under the second scenario, NMFS used the average rate from the last reporting period (September 15 to September 30). This rate was much higher for blacknose sharks than the rate for blacknose sharks over the entire 2010 fishing period. Under this scenario, the projections estimate that 20.9 mt dw or 104.9 percent of the blacknose shark quota, and 118.5 mt dw or 53.4 percent of the non-blacknose SCS quota could be landed by October 31, 2010. As such, based on dealer reports through September and NMFS projections, the blacknose shark fishery is expected to reach 85 percent of the quota by October 31, 2010, which exceeds the 80 percent limit specified in the regulations. Accordingly, NMFS is closing both the commercial blacknose shark and non-blacknose SCS fisheries as of 11:30 p.m. local time 5 days after the date of filing notice with the Office of the Federal Register.

During the closure, retention of blacknose sharks and/or non-blacknose SCS is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit (LAP) under 50 CFR 635.4, unless the vessel is properly permitted to operate as a charter vessel or headboat for



CFR 635.4, unless the vessel is properly permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip, in which case the recreational retention limits for sharks and "no sale" provisions apply (50 CFR 635.22(a) and (c)). A shark dealer issued a permit pursuant to § 635.4 may not purchase or receive blacknose sharks and/or non-blacknose SCS from a vessel issued an Atlantic shark LAP, except that a permitted shark dealer or processor may possess blacknose sharks and/or non-blacknose SCS that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Under this closure, a shark dealer issued a permit pursuant to § 635.4 may, in accordance with state regulations, purchase or receive blacknose sharks and/or non-blacknose SCS if the sharks were harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in state waters and that has not been issued an Atlantic Shark LAP, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4.

This notice is a courtesy to the HMS fishery participants to help keep you informed about the fishery. For further information on this landings update or the closure, contact Karyl Brewster-Geisz or Peter Cooper at 301-713-2347. The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms>.


Emily Menashes
Acting Director, Office of Sustainable Fisheries

OCT 29 2010
Date

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