



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

NMFS Announces a Proposed Rule to Establish the Quotas and Opening Dates for the 2013 Atlantic Shark Commercial Fishing Season

The National Marine Fisheries Service (NMFS) announces a proposed rule that would establish quota levels and opening dates for the 2013 Atlantic commercial shark fisheries.

The proposed 2013 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 received as of August 22, 2012. The 2013 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, 2012. All dealer reports that are received after that date will be used to adjust the 2014 quotas, as appropriate.

Specifically, we propose to:

- Open all shark fisheries, except porbeagle sharks, on the effective date for this action (*i.e.*, on or about January 1, 2013).
- **Not** open the porbeagle fishery in 2013. The porbeagle shark fishery was overharvest by a total of 1.2 mt dw (2,747 lb dw) from late reports from 2011 and 2012 fishing seasons. The combined overharvest in 2011 and 2012 for the porbeagle shark fishery would result in a very small quota (0.5 mt dw; 1,001 lb dw). Due to the small quota and our difficulties in accurately monitoring such a small quota, we are proposing to keep the porbeagle shark fishery closed in 2013.
- Adjust retention limits during the season, as needed, to ensure fishing opportunities throughout the appropriate regions.

Note that the 5-year quota and retention limit reductions put in place in 2008 due to large overharvests in 2007 expire on December 31, 2012. Therefore, base quotas and retention limits for large coastal sharks increase, consistent with Amendment 2 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan.

At this time, we would be implementing the proposed quotas based on current regulations. Other future actions, such as the anticipated Amendment 5 to the 2006 Consolidated HMS FMP, which would address several recent shark stock assessments, could affect the quotas implemented in the 2013 shark season rule. Any changes to the quotas would be addressed in any such later Amendment.

Public hearings are currently not scheduled. If you are interested in public hearings for the proposed rule, please contact Karyl Brewster-Geisz or Guý DuBeck by phone 301-427-8503.

The comment period for this proposed rule is open until October 28, 2012. Written comments, identified by "NOAA-NMFS-2012-0175", 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

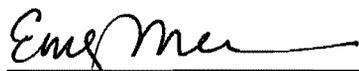


posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will 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 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, contact Karyl Brewster-Geisz or Guý DuBeck at 301-427-8503. Copies of the proposed rule are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-427-8503, 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 H. Menashes
Deputy Director, Office of Sustainable Fisheries

OCT 10 2012

Date

Table 1. 2013 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. Table includes landings data through August 22, 2012, and quotas are subject to change based on landings through October 31, 2012.

Species Group	Region	2012 Annual Quota (A)	Preliminary 2012 Landings ¹ (B)	Adjustments (C)	2013 Base Annual Quota (D)	2013 Annual Quota (D+C)	Season Opening Dates
Non-Sandbar Large Coastal Sharks	Gulf of Mexico	- 392.8 mt dw (866,063 lb dw)	369.8 mt dw (815,236 lb dw)	-	439.5 mt dw (968,922 lb dw)	439.5 mt dw (968,922 lb dw)	On or about January 1, 2013
	Atlantic	183.2 mt dw (403,889 lb dw)	32.9 mt dw (72,648 lb dw)	-	188.3 mt dw (415,126 lb dw)	188.3 mt dw (415,126 lb dw)	
Non-Sandbar LCS Research	No regional quotas	37.5 mt dw (82,673 lb dw)	9.1 mt dw (20,015 lb dw)	-	50.0 mt dw (110,230 lb dw)	50.0 mt dw (110,230 lb dw)	
Sandbar Shark Research		87.9 mt dw (193,784 lb dw)	24.7 mt dw (54,439 lb dw)	-	116.6 mt dw (257,056 lb dw)	116.6 mt dw (257,056 lb dw)	
Non-Blacknose Small Coastal Sharks		332.4 mt dw (732,808 lb dw)	133.8 mt dw (294,871 lb dw)	110.8 ² (244,269 lb dw)	221.6 mt dw (488,539 lb dw)	332.4 mt dw (732,808 lb dw)	
Blacknose Sharks		19.9 mt dw (43,872 lb dw)	10.9 mt dw (23,991 lb dw)	-	19.9 mt dw (43,872 lb dw)	19.9 mt dw (43,872 lb dw)	
Blue Sharks		273.0 mt dw (601,856 lb dw)	8.6 mt dw (18,868 lb dw)	-	273.0 mt dw (601,856 lb dw)	273.0 mt dw (601,856 lb dw)	
Porbeagle Sharks		0.7 mt dw (1,585 lb dw)	1.9 mt dw (4,105 lb dw)	-1.2 ³ (2,747 lb dw)	1.7 mt dw (3,748 lb dw)	0.5 mt dw (1,001 lb dw)	Closed for 2013
Pelagic Sharks Other Than Porbeagle or Blue		488 mt dw (1,075,856 lb dw)	99.7 mt dw (219,691 lb dw)	-	488.0 mt dw (1,075,856 lb dw)	488.0 mt dw (1,075,856 lb dw)	On or about January 1, 2013

¹ Landings are from January 1, 2012, until August 22, 2012, and are subject to change.

² This adjustment accounts for the underharvest in 2012. While the total underharvest is 198.6 mt dw, NMFS may account for underharvest only up to 50 percent of the base annual quota or 110.8 mt dw (244,269 lb dw).

³ This adjustment accounts for overharvest in 2011 and 2012. After the final rule establishing the 2012 quotas, the porbeagle shark quota was overharvested by an additional 0.1 mt dw (227 lb dw). As of July 12, 2012, 1.1 mt dw (2,520 lb dw) was harvested above the 2012 porbeagle shark quota. The combined overharvest from 2011 and 2012 is 1.2 mt dw (2,747 lb dw).