



NMFS Announces Notice of Intent to Prepare an Environmental Impact Statement and Associated Rulemaking for Dusky Shark Management Measures

April 24, 2013

On November 26, 2012, NMFS published a proposed rule (77 FR 70552) for draft Amendment 5 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) based on several shark stock assessments that were completed from 2009 to 2012. As described in the proposed rule, we proposed measures that were designed to reduce fishing mortality and effort in order to rebuild various overfished Atlantic shark species, including dusky sharks, while ensuring that a limited sustainable shark fishery could be maintained consistent with our legal obligations and the 2006 Consolidated HMS FMP. The proposed measures included changing commercial quotas and species groups, establishing several new time/area closures, changing an existing time/area closure, increasing the recreational minimum size for sharks, and establishing recreational reporting for certain species of sharks.

The comment period for the proposed rule closed on February 12, 2013. During the comment period, we received numerous comments on the proposed dusky shark measures regarding the data sources used and the analyses of these data. We also received many comments requesting consideration of approaches to dusky shark fishery management that were significantly different from those we analyzed in the proposed rule and draft Amendment 5. For example, commenters suggested exemptions to a recreational minimum size increase to allow landings of other sharks such as blacktip sharks or “blue” sharks such as shortfin mako or thresher sharks while preserving protections for dusky sharks, and other commenters suggested implementing gear restrictions instead of designating the proposed pelagic longline gear-restricted areas.

After reviewing all of the comments received, we decided to conduct further analyses on those measures pertaining to dusky sharks in an FMP amendment, EIS, and proposed rule separate from but related to the existing FMP amendment, EIS, and rule for the other species of sharks. Thus, we announce our intent to prepare a separate EIS under NEPA to conduct further analyses and explore management options specific to rebuilding and ending overfishing of dusky sharks. This EIS would assess the potential effects on the human environment of action to rebuild and end overfishing of these stocks, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Through the rulemaking process, NMFS would amend the 2006 Consolidated HMS FMP and examine management alternatives available to rebuild dusky sharks and end overfishing. For clarity in referring to the two related rulemaking processes, the ongoing FMP amendment for non-dusky shark species included in draft Amendment 5, specifically scalloped hammerhead,

sandbar, blacknose, and Gulf of Mexico blacktip sharks, will be called “Amendment 5a.” The FMP amendment for dusky sharks will be called “Amendment 5b.” In Amendment 5b, we will explore a variety of alternatives to rebuild dusky sharks, and will likely consider alternatives similar to those considered in draft Amendment 5 as well as new alternatives based on comments, including comments received on the dusky shark measures in draft Amendment 5.

We will accept public comments on the Notice of Intent until May 24, 2013. To submit comments through the Federal e-Rulemaking Portal go to www.regulations.gov, click the “submit a comment” icon, and then enter NOAA-NMFS-2013-0070 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line.

You can also submit comments to Peter Cooper by fax at 301-713-1917 or by mail at 1315 East-West Highway, Silver Spring, MD 20910. Please indicate that comments are specifically on the Notice of Intent for Amendment 5b to the Consolidated HMS FMP.

This notice is a courtesy to help keep you informed about the Atlantic shark fishery. For additional information, call (301)-427-8503 or go online to: <http://www.nmfs.noaa.gov/sfa/hms/breakingnews/index.htm>

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