

Atlantic States Marine Fisheries Commission

Coastal Sharks Management Board

*October 23, 2018
11:30 a.m. - 12:30 p.m.
New York, New York*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*R. Miller*) 11:30 a.m.
2. Board Consent 11:30 a.m.
 - Approval of Agenda
 - Approval of Proceedings from August 2018
3. Public Comment 11:35 a.m.
4. Consider Addendum V for Final Approval **Final Action** 11:45 a.m.
 - Review Options and Public Comment Summary (*K. Rootes-Murdy*)
 - Advisory Panel Report (*K. Rootes-Murdy*)
5. Set 2019 Specifications (*K. Rootes-Murdy*) **Final Action** 12:10 p.m.
6. Other Business/Adjourn 12:30 p.m.

The meeting will be held at the Roosevelt Hotel, 45 East 45th Street & Madison Avenue, New York, NY; 212.661.9600

MEETING OVERVIEW

Coastal Sharks Management Board Meeting

October 8, 2018

11:30 – 12:30 p.m.

New York, New York

Chair: Roy Miller (DE) Assumed Chairmanship: 5/2017	Vice Chair: Chris Batsavage	Law Enforcement Committee Representative: Greg Garner
Coastal Shark Technical Committee Chair: Bryan Frazier (SC)	Coastal Shark Advisory Panel Chair: VACANT	Previous Board Meeting: August 8, 2018
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL, NMFS (13 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2018

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the Agenda. Individuals that wish to speak at this time must sign in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Draft Addendum V for Final Approval (11:45 a.m.-12:10 p.m.) Final Action

Background

- In May, the Board moved to initiate a draft addendum to allow more flexibility to implement measures for all shark species.
- In August, the Board approved the draft addendum for public comment. **(Briefing Materials)**
- Public comment period was open from the end of August through October 1. No public comments were provided.
- The Advisory Panel met on October 11 to review the draft addendum. **(Supplemental Materials)**

Presentations

- Review of Management options and Advisory Panel Report by K. Rootes-Murdy

Board Actions for Consideration at this Meeting

- Select Management options
- Approve final document

5. Set 2019 Specifications (12:10-12:30 p.m.) Final Action**Background**

- Similar to the 2017 and 2018 fishing season NOAA Fisheries is proposing a January 1 open date for all shark management group. Also proposed is an initial 25 shark possession limit for large coastal and hammerhead management groups with the possibility of in season adjustments. **(Briefing Materials)**

Presentations

- NOAA Fisheries Proposed Rule for 2019 Specifications by K. Rootes-Murdy

6. Other Business/Adjourn

Coastal Sharks

Activity level: Low

Committee Overlap Score: low (some overlap with South Atlantic Board species and spiny dogfish)

Committee Task List

- TC – August 1st: Annual compliance reports due

TC Members: Bryan Frazier (SC, TC Chair), Carolyn Belcher (GA), Brent Winner (FL), Greg Skomal (MA), Chris Scott (NY), Lisa Hollensead (NC), Eric Schneider (RI), Greg Hinks (NJ), Jack Musick (VIMS), Angel Willey (MD, Vice Chair), Matt Gates (CT), Karyl Brewster-Geisz (NOAA), Michael Frisk (NY), Enric Cortes (NOAA), Scott Newlin (DE), Julie Neer (SAFMC), Kirby Rootes-Murdy (ASMFC)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
COASTAL SHARKS MANAGEMENT BOARD**

The Westin Crystal City
Arlington, Virginia
August 8, 2018

These minutes are draft and subject to approval by the Coastal Sharks Management Board.
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chairman Roy Miller1

Approval of Proceedings, May 2018 1

Approval of Agenda.....1

Public Comment1

Consider Draft Addendum V for Public Comment1

Update on NOAA Fisheries Highly Migratory Species Draft Amendment 117

Discuss Best Practices for Safe Handling and Release of Coastal Sharks from Shore Sites11

Adjournment18

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of May 2018** by consent (Page 1).
3. **Main Motion**
Move to approve Draft Addendum V for public comment as presented today (Page 5). Motion by Justin Davis; second by Emerson Hasbrouck. Motion to Amend.
4. **Motion to Amend**
Move to amend to include the regional commercial quotas, possession limits, and season start dates under Option 3 (Page 5). Motion by Mike Armstrong; second by Maureen Davidson. Motion carried (Page 6).

Main Motion as Amended
Move to approve Draft Addendum V for public comment as presented today and to include the regional commercial quotas, possession limits, and season start dates under Option 3. Motion carried 6).
5. **Motion to adjourn** by consent (Page 17).

ATTENDANCE

Board Members

Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Lewis Gillingham, VA, proxy for S. Bowman (AA)
Mike Armstrong, MA, proxy for D. Pierce (AA)	Sen. Monty Mason, VA (LA)
Bob Ballou, RI, proxy for J. McNamee (AA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Doug Brady, NC (GA)
Justin Davis, CT, proxy for P. Aarrestad (AA)	Michael Blanton, NC, proxy for Rep. Steinburg (LA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Robert Boyles, Jr., SC (AA)
Emerson Hasbrouck, NY (GA)	Malcolm Rhodes, SC (GA)
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Doug Haymans, GA (AA)
John Clark, DE, proxy for D. Saveikis (GA)	Spud Woodward, GA (AA)
Roy Miller, DE (GA)	Krista Shipley, FL, proxy for J. McCawley (AA)
Dave Blazer, MD (AA)	Karyl Brewster-Geisz, NMFS HMS
Russell Dize, MD (GA)	Mike Millard, USFWS
Bryan Plumlee, VA (GA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Staff

Robert Beal	Jessica Kuesel
Toni Kerns	Katie Drew
Kirby Rootes-Murdy	

Guests

Rachel Baker, NOAA	Aaron Kornbluth, PEW
Chante Davis, NOAA	Arnold Leo, Town of E. Hampton, NY
Jeff Deem, VMRC	Mike Luisi, MD DNR
Guy DuBeck, NOAA	Mike Ruccio, NOAA
Clifford, Hutt, NOAA	Stan Sutliff, VSSA
Desmond Kahn, Newark, DE	

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, August 8, 2018, and was called to order at 1:00 o'clock p.m. by Chairman Roy Miller.

CALL TO ORDER

CHAIRMAN ROY W. MILLER: Welcome to the Coastal Shark Board. My name is Roy Miller; I'm serving as your Chair. I'm from Delaware; a Governor's Appointee. Today with us up front we have representing the Commission; Kirby Rootes-Murdy. We also have Karyl Brewster-Geisz from NOAA Fisheries.

APPROVAL OF PROCEEDINGS

CHAIRMAN MILLER: Looking at your agenda for this afternoon's meeting, the first item is approval of the agenda for the previous meeting. Are there any changes or additions to those proceedings from the May, 2018 Shark Board meeting? Seeing none; I assume they are approved as provided to you.

APPROVAL OF AGENDA

CHAIRMAN MILLER: Are there any changes to today's agenda or additions? Seeing none; we'll assume it is approved.

PUBLIC COMMENT

CHAIRMAN MILLER: Kirby, I gather there were no names on public comment. We'll provide an additional opportunity for public comment when we look at the Draft Item 4.

CONSIDER DRAFT ADDENDUM V FOR PUBLIC COMMENT

CHAIRMAN MILLER: Without further ado, why don't we move into Item 4; Consider Draft Addendum V for Public Comment. For that draft Addendum description, I'm going to turn it over to Kirby.

MR. KIRBY ROOTES-MURDY: We have draft Addendum V for Board review today. In my presentation I have an overview of what the draft Addendum proposes. I'm going to walk through the structure of the document; statement of the problem, background, and go through the brief management options we have. Then I'll take any questions you might have. As an overview, the Board was presented the results of the shortfin shark stock assessment in May, 2018; as well as the Emergency Rule Measures that NOAA implemented.

The Board at that point decided not to implement Emergency Rule Measures; and instead initiated an addendum, to provide flexibility in implementing measures for all species within the coastal sharks FMP moving forward. Specific to this draft Addendum, the statement of the problem reads that the FMP, the fishery management plan for coastal sharks currently only allows for commercial quotas, commercial possession limits, and season dates to be adjusted annually through specification.

All other commercial and recreational measures can only be adjusted through either an addendum, and those items that can be adjusted through an addendum are listed in the adaptive management section 4.5 of the FMP, or through emergency action. We went through what emergency action constitutes at our previous meeting; and the criteria for it. As you're aware, that is rigorous criteria; and the recent stock assessment for shortfin makos found that the resource is overfished and experiencing overfishing. The Board found that this didn't quite meet the criteria in state waters; because of where shortfin makos generally are caught and their life history regarding open ocean portions of their life.

The Board chose instead to initiate an addendum to allow flexibility in making changes short of an emergency action. Just a little bit more background on the FMP, as you probably are aware it was adopted back in 2008; and it

facilitates complementary management in state waters to those measures set by NOAA's Highly Migratory Species Division for federal waters, as well as for federal Highly Migratory Species permit holders.

The species that are managed under the coastal sharks FMP, there are eight different complexes. There is the prohibited list, research, small coastal, non-sandbar, large coastal, pelagic, and smooth dogfish. The Board does not actively set quotas; but instead annually follows NOAA Fisheries in setting specifications for the commercial fishery, by adopting the same quota, possession limit, and season openings and closures.

This includes in-season changes to the possession limit; as you probably all are aware, we recently sent out a notice about that. I'm going to go through the management options now. The Option 1, status quo would not change anything in our FMP. We would still annually have the Board be able to set commercial quotas, possession limits and season dates through specification.

To change any other commercial or recreational measures would require an addendum or emergency action. Option 2 in the Management Option Section, offers to adjust the following measures through annual specification. The Plan Development Team identified these as likely measures that the Board may want to adjust annually; based on characteristics of the fishery.

They include recreational size limits, recreational possession limits, recreational seasons, as well as area closures for both recreational and commercial fisheries, gear specifications for both recreational and commercial fisheries, and effort controls for both recreational and commercial. These changes to the measures would be made once a year; and those changes could be made through a motion.

It is important to understand that under this option there would not be a requirement for a public hearing or public comment; beyond what is offered at that Board meeting. Option 3 offers a more liberal version of it; where measures could be adjusted on an ad hoc basis as needed. Those same recreational and commercial measures that aren't currently allowed to be changed through specifications; that I just mentioned for Option 2, would apply here as well.

But these changes could be made throughout the year. Again, these changes could be made through Board motion. This would not require a public hearing or public comment. It is important to note that when looking at the Option 2; I failed to mention. If there was an interest to change those specifications after that initial part of the year, it would require a two-thirds majority vote as all changes of specifications require. With that I'll take any questions on the draft Addendum at this point.

CHAIRMAN MILLER: Eric.

MR. ERIC REID: I have a question. I don't know if it's here; but I'm going to ask it anyway. It's about the requirements; the conditions for obtaining a permit. I've had this conversation before about the requirements for dealers to attend classes; in order to renew their shark ID certificate, in order to obtain a permit.

It is really kind of a pain in the neck. If you're a fishermen you can get your renewal online; or your permit online. If you're a dealer, you have to physically go to a class every three years. Is that something that we can talk about just by talking about it; or is it something that has to be started through a process like this?

MR. ROOTES-MURDY: Eric, I just want to clarify. Are you talking about federal dealers?

MR. REID: Yes. The condition to have a federal shark permit, which includes buying things like

smooth dogfish, not just pelagic sharks, requires you to have a certificate saying you want to a shark ID workshop. There are several caveats on who can attend and how you can attend. But in my case personally, I've been through three classes.

Now my permit, I can't renew my permit because I don't have an updated certificate. My certificate expired in March. The closest workshop to get that permit back, there was one in Venice, Louisiana, I think there was one down in the Carolinas somewhere. But I've been through three classes; and there are other people like me that have done the same thing.

It just seems a little bit overkill that after three workshops I have to go to Venice, Louisiana to buy sharks that are worth about 40 cents a pound. I mean the economics don't work out; but legally I would like to be able to do it. I would like to be able to do it online. It just seems kind of unfair that the dealer has to attend a class in person; and a fisherman can do it online. I'm looking for some relief to that condition of that permit.

MR. ROOTES-MURDY: Thank you for that question, Eric. This Addendum only focuses on state waters management and state permitted individuals. Karyl could probably speak to a little bit more the requirements for federal dealers.

CHAIRMAN MILLER: Karyl, go ahead.

MS. KARYL BREWSTER-GEISZ: Yes, I think you asked the question before. We are looking at ways of improving and streamlining, not only the shark dealer workshop that is required to be in person, but also the handling and release workshop that is required by the commercial fishermen to be taken every three years as well.

We're looking at ways of streamlining it; improving it. But also potentially moving it online for people such as yourself, who have taken it in person in the past. We're looking at that; but that's still a little ways away on how we

do that. If you have suggestions, I would definitely love to speak to you offline about that.

CHAIRMAN MILLER: Any other questions? Justin.

DR. JUSTIN DAVIS: I've got a question about Option 2 versus Option 3 with respect to opportunity for public hearing. I'm sort of new to this; so I apologize if this is a stupid question. With Option 2, when all measures are adjusted through annual specifications. Does that require a public hearing process or not? Essentially, neither of these Options 2 or 3 would require public hearings on actions. Although under Option 3, could the Board choose to provide opportunity for public hearings?

MR. ROOTES-MURDY: If the Board wanted to they could. I think one of the challenges is that because these two Options 2 and 3 offers for the Board to be able to change these measures through Board action at a meeting like this. Timing it up to allow for public hearing beforehand would be very challenging. If anything that would maybe create a situation where you table a motion until after you had a public hearing. But I think that introduces some more complexity into what these options are currently configured as.

CHAIRMAN MILLER: Toni.

MS. TONI KERNS: Just to clarify. This doesn't require you all to use Board action; it just gives you the opportunity to do so. You can do an addendum for any measure that the Board desires to do so. States also can hold their own information sessions with their state permit holders. You'll likely know prior to the meeting if something is going to be coming up; so you would be able to do that before coming to the Commission.

CHAIRMAN MILLER: Mike Luisi.

MR. MICHAEL LUISI: As a follow up to Justin's question. I kind of assumed that we would use this process; perhaps more in a compliment to actions taken by the federal government, where we were following up on regulations that had changed through the HMS, rather than stepping out and making modifications let's say to recreational size limits on coastal sharks, without there being something else that has happened that has caused us to react.

I think if we were going to step outside of actions taken at the federal level, then we certainly could, as was just mentioned by Toni, we could take that up as an addendum rather than through specifications. That's how I was understanding this addendum; and if I'm wrong, please let me know.

CHAIRMAN MILLER: Mike that's my understanding as well. I think since Adam is here, he was the original maker of the motion at the last meeting. Was that your intent as well, Adam, when you made that motion?

MR. ADAM NOWALSKY: The main goal was we were talking about something that was very species specific at the time. The goal was to make sure that it was across all species. Now, having had the opportunity, and I appreciate the Chairman's latitude as well as staff, and having given me the opportunity to take a look at some of this in development prior to getting to it today. I think there was some crossover here; in terms of what these options would do. But the main goal was to make it give us flexibility as a body; so we would not have to go through an addendum process every time the states needed to put measures in place that were complementary to the federal waters measures. That was the goal. Whichever of these options the Board is most comfortable with; achieving that or some modification or hybrid approach of it. That was my intent with the motion at the last Board meeting.

CHAIRMAN MILLER: Mike, does that satisfy your concern? Are there any other questions at this point in time? I see a hand, Bryan.

MR. J. BRYAN PLUMLEE: I guess my question goes partially to your response; in that there was a vote to take action, and one of the options is not to take action. Is the first option really an option? In other words, if we've already passed a motion to initiate a process that option is to basically take not steps. I'm just a little confused by that.

CHAIRMAN MILLER: The first option is the standard status quo option. In other words, the first option would be to make no changes to our present procedure. Mike.

DR. MICHAEL ARMSTRONG: If I'm reading this right. Currently we have the ability for the commercial quota, and possession and size annual specification. That would be consistent with Option 2 would bring everything under that umbrella. But Option 3 would then make these options different than the commercial; because it would be ad hoc, and then the commercial would still remain once a year. Was that the intent? Like why wouldn't you put the three commercial ones under this one too; and make everything ad hoc? Does that make sense what I'm saying?

MR. ROOTES-MURDY: Yes, it makes sense. That idea was not really discussed by the Plan Development Team. Right now it would be separate; where you would still have the specifications, where commercial quota, size limit, season adjustments would be set once a year, and then these would be set ad hocly.

DR. ARMSTRONG: Is there a reason that makes more sense to possibly go two different paths for the recreational primarily and the commercial?

MR. ROOTES-MURDY: I think for something like the quota that might be problematic; if you're constantly having the ability to change, or if the

Board chose to change the quota throughout the year. We do have, as I pointed out, season adjustments to the possession limit. We send out notices when those possession limits fluctuate throughout the year.

Then if the quota is met then we send out a notice about the season being changed. I think the question is whether those current specifications need to be adjusted more regularly than they already are capable of being adjusted. Does that make sense?

CHAIRMAN MILLER: Are there any other questions? We'll take comments on the draft Addendum now. If anyone has comments, seeing no hands; would anyone feel inclined to make a motion with regard to the draft Addendum? Justin Davis.

DR. DAVIS: I'll move that the Board approve Option 3.

MR. ROOTES-MURDY: Justin, this is a document that is for Board review to go out for public comment.

DR. DAVIS: Okay, sorry. I'll make a motion to approve the draft Addendum and send it out.

MR. ROOTES-MURDY: To approve the draft Addendum for public comment.

DR. DAVIS: That's what I meant, thanks, Kirby.

CHAIRMAN MILLER: Is there a second to that motion; Emerson. Mike Armstrong.

DR. ARMSTRONG: I would like to move to amend this by adding language that would move the commercial quota possession limit and; was it length, under Option 3 also.

CHAIRMAN MILLER: As soon as we get that up there I'll ask if there is a second. Does that capture it, Mike? Is there a second to that

motion? Mr. Lawrence or Maureen, I'm sorry. Tom, you have a comment or question?

MR. THOMAS P. FOTE: Wouldn't it be more appropriate to move that to the commercial and leave that as a second option between the commercial; Option 1 and Option 2, instead of putting it in here?

MR. ROOTES-MURDY: I'm going to ask for a follow up, Tom; if you can clarify a little bit more. Then maybe Toni has another point.

MR. FOTE: Well, you already have an option for the commercial fishery. Maybe there should be a second option; an A and B to choose the A or the B, the way to do it. I'm just asking; because we're sticking this in a different place than the commercial.

MS. KERNS: Tom, under Option 2, the commercial regulations that Mike is amending right now are already imbedded in Option 2. You can already do that through the Option 2 method. What Mike was pointing out was saying that why would you have one process for the commercial measures; and then have a whole different process for everything else and that it should be consistent for both sides. If you end up in the end choosing Option 3; you would want to be able to take action in the same way for all of the measures. This is just allowing that to happen.

MR. FOTE: Okay.

CHAIRMAN MILLER: Thank you, Toni, any other comments? Mike.

MR. LUISI: If I may ask a question of Kirby. Would it be the intent that for Option 2, I mean I think we do shark specs on the commercial side every year at a certain point in time? Would it be the intent that we make all of the same, the recreational measures and the commercial measures would all happen at the same time every year. For Option 2 that list that was

provided, that would fall in with what we do on an annual basis at that same time we do commercial. The way I see it is we have Option 1, which is no action. Option 2 is we take care of everything all at once; every year at the same time or Option 3, which is you take all the measures and you can do them, anytime you want throughout the entire year, depending on actions as they are complimentary to federal measures.

MR. ROOTES-MURDY: Yes that is correct, Mike. For Option 2, it is important to know that right now our current specification process is that NOAA puts out a proposed rule, you know in the fall. Then this Board normally considers those proposed specifications at our annual meeting; but many times don't finalize those specifications until after a final rule has been released by NOAA Fisheries.

For most years what happens is we then send out an e-mail vote to the states to sign off on those specifications that are outlined in the final rule. I will point out that unless the recreational measures, the measures that are listed under Option 2, in addition to these annual specification items currently in place. Unless those are changed, we would just be adding another set of items to, I guess have the Board sign off on, or we could make it so that the Board just, unless they decide to add it in to be adjusted. Then those normal specifications stand as they are.

CHAIRMAN MILLER: Are there any other comments? Bob.

MR. ROBERT BALLOU: I'm sure this is confusion on my part; not anyone else's. When I look at the draft document before us, I see six bullets under Option 2 and six under Option 3, and they look identical to me. The motion seems to be suggesting that Option 3 should be configured in the same way as Option 2. But I'm not seeing those specific items under Option 2. I'm sure I'm

missing something here; but it looks odd to me, so maybe some clarification.

MR. ROOTES-MURDY: My read of the motion to amend is that it is making all of these options under Option 3, including those that are set annually through specifications also able to be adjusted throughout the year. Whereas, Option 2 makes everything line up with the annual specification timeline. Option 3 now as amended, would take our normal annual specifications, and add them in as things that could be adjusted ad hoc throughout the year. Does that make sense?

MR. BALLOU: I think so; so when these are all inferred via the reference under Option 2 that it is through the specification process, and already allowed. Even though they are not listed as specific bullet items, okay I now understand. Thank you.

CHAIRMAN MILLER: Are there any other comments? Mike.

DR. ARMSTRONG: Just to make sure it's clear. There are two options. All the management measures either are ad hoc or they're set in annual. That is my intent, so that we don't start dividing the management options two different ways to deal with it.

CHAIRMAN MILLER: That's my understanding as well. Thank you for that clarification. Are there any other comments or suggestions at this time? We don't have to do a roll call. **I'll just ask if there is any opposition to the motion. Seeing none; the motion is approved. The motion is approved unanimously.** I should ask were there any abstentions or null votes; no.

Since this was amended, all right I'll read the motion. Move to approve draft Addendum V for public comment as presented today; and to include the regional commercial quotas, possession limits, and season start dates under Option 3. Is there any objection to the finalized

motion? Any abstentions, any nulls? Seeing none; the motion is approved.

**UPDATE ON NOAA FISHERIES HIGHLY
MIGRATORY SPECIES DRAFT AMENDMENT 11**

CHAIRMAN MILLER: I guess we can move on to the next agenda item; and that is an update on NOAA Fisheries Highly Migratory Species Draft Amendment 11, and we'll call on Karyl Brewster Geisz again.

MS. BREWSTER-GEISZ: I presented our scoping document in the May meeting. At this point we now have a proposed rule out; and a draft Environmental Impact Statement. If anybody wants a hard copy, we can get you one in the mail later. I'm sure you don't want to have more in your suitcase.

I'll be talking about what we are proposing; the purpose of Amendment 11 is to address overfishing and rebuild shortfin mako sharks. As I think all of you know, we've been managing shortfin mako sharks as part of the pelagic shark complex since 1993. In the past ten years or so, ICCAT, the International Commission for the Conservation of Atlantic Tunas, which I'm just going to say as ICCAT from now on, has done a number of stock assessments.

The last stock assessment was done last summer in 2017. Found that the stock is overfished with overfishing occurring. Recent catches across all countries are between 3600 and 4700 metric tons per year. Catches need to be reduced. Catches from all countries need to be reduced below 1,000 metric tons to end overfishing. That is about a 72 to 79 percent reduction in catches.

Based on the stock assessment, at its November meeting ICCAT recommended a measure that is aimed to maximize live releases. Now if you remember, ICCAT recommendations are the parlance for a binding measure. It's something the United States must implement as necessary under the Atlantic Tunas Convention Act. In

maximizing live releases, there are a number of different options countries can take.

The two that apply to the U.S. there is one for retention that allows dead shortfin makos to be retained by vessels; as long as there is an observer onboard, or electronic monitoring, which is also video cameras to verify that the shark was dead. Live or dead shortfin makos could be kept under certain minimum sizes; and they recommended two minimum sizes, one for males 180 centimeters, which is approximately 71 inches fork length, or females 210 centimeters, which is approximately 83 inches fork length.

ICCAT is looking at its current upcoming November meeting to see if these measures are effective; and then in 2019, they are going to be looking at it as a whole, along with establishing a rebuilding plan. When I was presenting our Scoping Document to you there were four topics; commercial, recreational, monitoring, and rebuilding. We're still looking at those four topics; and I'm going to go through the alternatives for each topic. The first alternative under every topic is the status quo, and the no action alternative. These are the alternatives to implement the measures that are not currently under the Emergency Rule. This is going back under the commercial alternatives; just allowing people to keep shortfin mako if they have a shark permit. Alternatives A2, A3, and A5 are all very similar.

They would all allow retention of shortfin mako sharks by people with a shark limited access permit; only if the shark is dead at haul back under certain conditions. Under Alternative A2 that condition is having a functional electronic monitoring system onboard the vessel. This is what is currently in place; or similar to what is currently in place under the Emergency Rule.

The difference here is what we are proposing in this case is that anyone could obtain an electronic monitoring system. While our pelagic

longline vessels are required to have it; somebody with a bottom longline, who wanted to land shortfin makos, could obtain an electronic monitoring system and land under this alternative.

It's pretty unlikely you would catch a shortfin mako with bottom longline. But it's an option for people. Alternative A2 is our preferred measure. Under Alternative A3, they could keep a dead shortfin mako shark if they agreed to allow the Agency to use electronic monitoring. The difference here is under Amendment 7 we implemented electronic monitoring for all pelagic longline vessels for bluefin tuna.

A lot of people during the comment period were concerned that we were increasing the scope of electronic monitoring; and wanted to opt out. If they were to opt out, they would not be allowed to keep any shortfin mako. Alternative A5 is the same. You could keep a dead shortfin mako; as long as there is an observer onboard.

Observer coverage varies among the different gear types. For pelagic longline gear, which is mainly what you're going to be landing shortfin mako with, it is about 9 to 18 percent, depending upon the area. We looked at two other options for commercial. Alternative A4 is allowing the retention of live or dead shortfin mako sharks; as long as it meets the minimum size of 83 inches fork length, and there is either a functional electronic monitoring system or an observer onboard to verify that length.

There are two things to clarify here is 83 inches fork length. That is a straight line measurement, it is not curved. It is from the tip of the snout to the curve of the tail, the fork of the tail. The reason you would need both an electronic monitoring or an observer onboard for the commercial minimum size, is commercial fishermen are allowed to remove the head from the fish.

Without that head you can't do the measurement. But they need to remove the head in order to make sure the meat quality is high enough quality to be sold. Then there is Alternative A6, which is prohibiting the retention of all shortfin makos; alive or dead. That is it on the commercial alternatives.

Recreational, we have a number of alternatives just like with commercial that are similar to each other. Alternatives B2 through B5 all increase the minimum size length from 54 inches fork length to a number of different options. Alternative B2 is a straight read of the ICCAT recommendation; so that's 71 inches for males, 83 inches for females. Alternative B3 is what we have in place now for the Emergency Rule; and that is 83 inches fork length. Again that is straight line measurement; it is not a curved measurement. Alternative B4 increases the female minimum size to 108 inches; that is the size where 50 percent of the females are mature.

Alternative B5 increases the minimum size of females to 120 inches fork length. That would allow for record breaking females to be landed; but there would be very few of them. Alternative B6 has a number of sub-alternatives. This is something we heard a lot through the public comment period on scoping; where people wanted the opportunity to land them during tournament season.

Anything outside of the season listed in that first column, the size limit would be 120 inches for both males and females. For example, Alternative B6A the season would be May through October. If you were to land a mako in November, it would need to be above 120 inches. If you landed it in July, it could be 71 inches if it was a male, or 83 inches if it were a female.

Then the seasons change and the size limits change. Alternative B6E establishes a process for setting what that season or size would be; based on what's happening in the water, so

more real time. This was specific for commenters who really wanted to get in on the tournament season. Alternative B7 is another suggestion we had during comment period; and that was establishing a slot limit for retention of male and females.

We felt that would confuse the issue; because now you would have potentially a minimum and maximum size for males, and a separate minimum and maximum for females, and it just adds to a lot of the confusion. Alternative B8 would be to establish a landings tag program. This would be somebody comes and gets our HMS angling permit with the shark endorsement; and we give them as an example two mako landing tags.

They would only be allowed to land a shortfin mako if it met the minimum size; and they still had one of their two landings tag in order to put on the mako. Alternative B9 is another preferred alternative. If you remember in Amendment 5B for dusky sharks, we require circle hooks anywhere south of Chatham, Massachusetts; that was the northernmost range of dusky sharks. Shortfin mako sharks can be found above that.

Under Alternative B9, we are preferring requiring the use of circle hooks throughout the recreational fisheries, so even above the Chatham, Massachusetts line. Alternative B10 is prohibiting the landing; catch and release only. That is it for the recreational. Moving on to monitoring alternatives, we looked at three of them. We are preferring no action. As a clarification why we are preferring this, we are going to be using our current regulations to select shark tournaments for reporting.

We do not currently do that; we only select billfish and swordfish tournaments. Under Alternative C2, we would be requiring commercial fishermen to use their vessel monitoring systems or VMS to report shortfin makos. We felt like we already have enough

from them; in terms of the logbooks, the observers, the dealer reports that we did not need the vessel monitoring system reporting as well. Similarly, under Alternative C3, we would be requiring mandatory reporting of all recreational vessels. We feel like we have pretty good numbers coming in from mainly from the LPS large pelagic survey for shortfin mako sharks, and we didn't need to extend that to mandatory reporting. Under the rebuilding alternatives we looked at several of them.

Under Alternative D2, we would be moving unilaterally without ICCAT to establish a rebuilding plan; because the United States only has about 11 percent of all the catches, we did not feel that was the appropriate move. Instead we are preferring Alternative D3, which is establishing an international rebuilding plan.

Alternative D4, we would be removing shortfin mako sharks from the pelagic shark group; and creating its own quota. If ICCAT does that similarly Alternative D5 would be implementing some sort of area management; if ICCAT does that. ICAT is supposed to be looking at both of these options in 2019.

D6 is an alternative we were requested to look at during the public comment period for scoping. That is establishing bycatch caps in all fisheries that interact with shortfin mako sharks. The large majority of shortfin mako sharks are caught in HMS fisheries; either the recreational fishery or our pelagic longline fishery.

We did not feel at this point that we needed to establish bycatch caps for other fisheries. Timeline, the comment period ends October 1. We have a lot of public hearings, and meetings with the Councils between now and then. We are hoping to have this effective in spring of 2019. Right now we have emergency measures in place; they expire at the end of August.

I expect they will be extended; and when they are extended they will end in spring, and we

want this in place before then. Just a quick recap; because I know I went through a lot of alternatives. There is the commercial measure that we are proposing that requires dead at haul back; as long as there is electronic monitoring in place.

There are two recreational measures; one is 83 inches straight line fork length, the other is circle hooks throughout. Then the other preferred measure is for the rebuilding option; and that is an international rebuilding plan. I'm happy to take comments, questions here and then this slide provides other information if you want to submit comments elsewhere.

CHAIRMAN MILLER: Comments or questions for Karyl on draft Amendment 11. Adam Nowalsky.

MR. NOWALSKY: What is the level of consultation that occurred with ICCAT; in the development of these measures, to be comfortable that ICCAT will find them acceptable towards achieving the rebuilding plan that they're going to implement next year, or is there a probability/possibility of us being back here again at this time, because ICCAT did not find the proposed measures to be acceptable?

MS. BREWSTER-GEISZ: Are you asking what would happen in November if ICCAT looks at what all the countries have done; and determines that not enough has been done, or too much has been done?

MR. NOWALSKY: Correct.

MS. BREWSTER-GEISZ: At that time the Agency would still not have come out with a Final Rule; and we would have to regroup and decide what we were going to do, whether it would be implementing different options than we have preferred at this point, or restarting the rulemaking process.

CHAIRMAN MILLER: Okay Adam? Are there any other questions, Mike Luisi?

MR. LUISI: Karyl, I'm curious as to the decision to select under the monitoring section under Alternative C; the decision to select C1, which would be no additional monitoring outside of what's already in place for commercial and recreational fishing. I guess my question comes down to how the LPS Survey works.

In that I was always under the impression that LPS kind of functions like in MRIP, where there is an estimate that's developed based on interviews that take place after fishing happens. In thinking about the objective here, which is to reduce the take of shortfin makos by increasing minimum sizes, I think what we're going to see and what we've already seen. I know in my state we have a catch card program; and we're seeing very few makos being landed.

I think you're going to get to the point where mako landings are going to almost become some type of a rare event; or a more rare event than what they currently are. The typical pattern on rare event species is that the estimates that come forth as a result of the survey become more and more variable, less and less accurate and precise.

I would have thought that given that very few shortfin makos under the intention of the plan would be landed; that there would be some action to require more data as those fish are being brought in. I'm just curious as to kind of what you guys tossed around, as far as the tradeoff between collecting more information and having, I guess less accurate and less reliable estimates based on fewer landings.

MS. BREWSTER-GEISZ: LPS is very similar to the MRIP. You are right that it does ask after the fact. The difference with LPS is we have our HMS permit holders; so the LPS actually targets the permit holders, goes to those ports where our permit holders go, so the – I don't know how to say it – the base that you're starting with is a little bit more exact. We know who are going as

opposed to MRIP, where it could be anybody. There is that.

There is also the fact that when it comes to sharks, even though we are trying to maximize live release, minimize mortality. Mako shark is the shark species a lot of the pelagic anglers are going for. Yes, some people won't want to go fishing for them anymore; but I think a large majority of people still want to go out and catch the mako sharks. We're expecting some reduction in effort. We've seen that already. We've had reports of some tournaments being canceled as a result of the size limit. But I don't think we're expecting overall effort to go down that dramatically.

CHAIRMAN MILLER: Tom Fote.

MR. FOTE: Dealing with a number of species over the years that have fallen to that category, you know by the time fluke gets down to three fish, people stop going fishing for them. When you go out and catch makos and you can't bring one in the tournament that's why the tournaments are starting to basically cease to exist.

Once that ceases to exist, a lot of those shark fishermen, because that is one of the reasons they always like to fish was the tournaments and everything basically put in there. You're going to see a drop in anglers; and I think it's going to be more dramatic than you're thinking.

CHAIRMAN MILLER: Any other comments, questions? Seeing none; thank you, Karyl.

**DISCUSS BEST PRACTICES FOR SAFE HANDLING
AND RELEASE OF COASTAL SHARKS FROM
SHORE SITES**

CHAIRMAN MILLER: I guess we'll move on to the next agenda item; which is Discuss Best Practices for Safe Handling and Release of Coastal Sharks from Shore Sites, Karyl.

MS. BREWSTER-GEISZ: Thank you and thank you for all your comments and thoughts on Amendment 11. Best practices from shore-based shark fishing. This is not only shark fishing from the beach, but also from piers. Those of you who have been around the table know that since we published Amendment 5B, I've been coming almost every meeting asking for states to consider developing, coordinating with us to come up with best practices for release of sharks, particularly dusky sharks from the shore.

We already have them from the boat; but we really would like your help in developing them from shore. This spring and summer has really seen an increase in at least the use of social media; to advertise anglers who are fishing from the beach. Almost every week there is a new reporter reaching out to those of us in my shop about; hey I see this Facebook post, this Twitter post of some guy who has caught this huge shark, pulled it up on the beach.

Sometimes they're placing a tag; because they have tags from our Apex Predators Program, which is a citizen science program, where anglers oftentimes from boats place tags in the sharks. This has been going on for decades. Some of these anglers that are pulling the sharks on the beach are part of that program.

It comes across that they are employers of NOAA; that they know what they're doing that they are doing all the right things by pulling the shark up onto dry sand, sitting on them, taking pictures. Not all of them are like that but a good number of them are definitely showing some improper handling techniques.

We have had a lot of confusion. We've had meetings with different states about this; and what the message is we're trying to send. I come again; hoping to entice you into helping us develop some best practices. I took advantage of the PDT meetings about Addendum V to work with the PDT; in coming up with some options. One of the options we thought about was signs

on beaches. Some states already have these. For those states that don't have them, we have the – we meaning NOAA Fisheries – has the ability to help you if you needed to buy the signs. We thought that these signs could be good to be posted on beaches, piers, any place where shark fishermen or people who are fishing who might catch sharks could be, and that this sign could refer anglers to a website with some of those best practices.

What I have next is a mock-up of the language that could go onto the sign. This is not what the final sign would look like. We would make it look much prettier; with shark pictures and all of that. The text needs to be very brief; because if you're walking along the beach and you want to go out fishing, like all these anglers do. The last thing they want to do is spend 15, 20 minutes reading a sign about how to go shark fishing. They're just not going to do that.

This is the draft text of what we're thinking of; which is "releasing sharks be fast." Then spelling out what we mean by fast; focusing on a quick release, keeping the shark in the water off the dry sand, using the appropriate tackle, preferably circle hooks. Cutting the line as close to the hook as possible; being safe, so having a partner, minimizing the handling of the shark, and then tagging smart.

If you have a stressed shark, putting a tag on it is not going to help us get any information. Then critically letting them know that tagging and releasing sharks does not exempt you from any local, federal/state enforcement actions. If you are pulling up a prohibited species, and doing a whole bunch of stuff to it, you may have an enforcement action against you.

Then going in, our message that we've been trying to get across; if you don't know let it go. A lot of these shark species are hard to identify. You should not keep it unless you know what it is. Then having the link to our web page or some other web page, we were thinking having a QR

code, so somebody could just scan it and automatically go to the page.

Again, this is just the text. We're trying to be brief. Comments to make it briefer would be great. If somebody wants to add something, my understanding is that means something else needs to go away, to keep this as short as possible. On the web page we've already been working in the PDT to come up with a little bit more detail. But we definitely would want more comments on it; and really more detailed information.

Never drag a shark on the dry sand or lift its head up for a photo; and explaining why that is, how it hurts the shark. Other subjects we could cover would be including information on prohibited species; some of the regulations, so state along with federal regulations, what kind of tackle to use, other tips on handling, hook removal, and safety. This is all the ideas we came up with; and I'm happy to take questions, comments, suggestions.

CHAIRMAN MILLER: Mel.

MR. MEL BELL: Karyl, a couple of things you said struck a nerve a little bit; because we've had some of the same issues that you were talking about with folks calling up and reporting activities. I know it's not the same group; but the Apex Predator folks, I guess that do the tagging, or give the tags out to fishermen. They are it seems to me, a natural source; if you want to in your tee, if you want to teach or communicate a proper tagging and handling practices. They need to take some responsibility in that. It reminds me a little bit, we've had recreational tagging going on in South Carolina marine species going back to the '80s. At one time we just gave tags to anybody. But then we evolved the program to a point where if you wanted to participate in that program and get tags, you had to go through a level of training and be certified, if you will, to do that; in handling practices, proper tagging practices, all of that stuff.

We became the natural conduit for information going to fishermen; about best practices related to trying to increase survivability of post release, and including application of tags. South Carolina is a state in which you cannot tag a saltwater fish without the DNRs permission. We've tried to convey that to the Apex Predator folks; just to say look, if you've got folks that are going to be doing this in South Carolina, you need to make sure they need to be aware that they need a permit from the DNR to do that.

We're fine with supporting a program; like you said it's been going on for decades, great. But that's a way to really reach out and touch folks; in terms of communicating best practices, I think. It's in your, not you necessarily, but it's in the control of the National Marine Fisheries Service.

MS. BREWSTER-GEISZ: Thank you for that. I'm sorry; I apologize if I may be a little upset there. That was not my intent.

MR. BELL: Not at all. I see where you're coming from and all, but that is something that you guys kind of have in control there; in terms of communicating, I think.

MS. BREWSTER-GEISZ: Right. We definitely send them, all the anglers that request the tags; we send them a lot of information. My understanding is the people in charge of the program do talk with them and talk through it. I have heard before that South Carolina requires the permits; other states require other things as well.

It's walking that fine line. We're not trying to stop anglers from going out shark fishing. But we also recognize states have different regulations; and that's why we are trying to find some cooperative way of working with everybody for it, and for the placement of tags. The program gets people from everywhere. As I said; most of the tags are placed on the boat. There are some from the shore.

Of course, just because somebody mainly comes out of Connecticut doesn't mean they're not going to take their summer vacation down in South Carolina; and not realize that they need a permit or a tag in order to tag. Anything we can do to help clarify those regulations. I will definitely ask the people who run the program about whether or not it's possible to certify people; and how we would go about doing that. Thank you for that suggestion.

CHAIRMAN MILLER: Other questions, Emerson.

MR. EMERSON C. HASBROUCK: Thank you, Karyl for your presentation. I like your Fast Campaign; so there's the quick and the dead I guess. You may have mentioned this, and I might have missed it. But if somebody is shore-based fishing for sharks, do they need an HMS permit? That is part one of the questions, or part A of one question.

MS. BREWSTER-GEISZ: No. Our permits are issued to the boat; so if you're on the shore you do not need an HMS permit.

MR. HASBROUCK: Then there is no issue of possession; because my follow along question was going to be when do they actually possess the fish? But I guess that doesn't matter.

MS. BREWSTER-GEISZ: Not from a federal standpoint. The states might have different thoughts on that.

CHAIRMAN MILLER: Yes, state regulations vary in that regard. John Clark.

MR. JOHN CLARK: I was just looking at that sign you had up before; and we have a director who really likes signs, so we've got a lot of them up. We have pictures of people disregarding the signs. That just looked to me like a lot of text on that sign that is not going to be read. I know in Delaware and other states too, a lot of the shore-based fishing for sharks is done by people who are driving on the beach. I don't know where

you would put that sign where it would really get the attention of people who are driving.

CHAIRMAN MILLER: Did you want to respond to that Karyl? No.

MS. BREWSTER-GEISZ: No, thank you.

CHAIRMAN MILLER: Chris Batsavage.

MR. CHRIS BATSAVAGE: I like the idea of the signs in general. We've put signs out on fishing piers to help people release turtles in the safest way possible; and also to report those interactions, and get them to the sea turtle hospital, for instance. Something to tell people how to release sharks safely is a good idea. But there are certainly some logistical challenges; as John just mentioned.

An obvious one with shark fishing on the beach is a lot of it happens at night. Just the sign being visible is going to be a challenge in many cases; as opposed to the piers that are lighted, or in many cases people fishing during the day will be able to see the signs conspicuously. I'm not sure how to overcome that challenge; without spending a lot of money on lighted signs. Then they might just become an easier target for people who don't like signs.

CHAIRMAN MILLER: Thank you for those comments, Chris. Krista.

MS. KRISTA SHIPLEY: Florida is really engaged on this issue; and it is certainly a really important issue to us. We're actually doing public workshops on shore-based shark fishing. We posted one last night even. We're doing ten around the state; and really getting public feedback on how they want to see that fishery managed in the future. Some of the options we're looking at are a state shore-based shark fishing permit that could have an educational component; like the HMS permit does for vessels. We're definitely looking at things like that. We also already have, over the past couple

of years we've developed what we call Shark Smart Fishing Guidelines; really focusing on shore-based shark fishing, but also looking at vessel and pier-based fishing. We worked in conjunction with fishermen; law enforcement, NGOs certainly our staff, our legal department.

Really talking to everyone we could to really get the best kind of best practices we could get together. Those are on our website. We've got fliers out about them. We distribute them far and wide. We would really like to stay engaged on this with you. Certainly we probably have some really good stuff in there about things like gear; and stuff like that that would be good resources.

CHAIRMAN MILLER: Any other comments? Seeing none; I have one Karyl. It wasn't clear to me whether there would be a charge to the states for these signs. Do you know approximately what that would be?

MS. BREWSTER-GEISZ: We were looking at it more if the state can't afford to put up the signs we would help pay for whatever signs. From our initial look, it doesn't look like each individual sign costs all that much. One of the logistical challenges some of the PDT members pointed out; was the fact that local regulations might limit where you can put the signs, and how many you can put up. But that is something I think the state would have to figure out; and not necessarily us.

CHAIRMAN MILLER: Is it your preference that if the state elects to erect the signs they use the signs provided by NOAA Fisheries; rather than do their own or you have no opinion in that regard?

MS. BREWSTER-GEISZ: No, I think all we really want is some sort of consistent language and agreement on how to do it; and yes, Florida is a great example, has some wonderful stuff on their web page that we grabbed. We also worked a lot with New York and Maryland, and one of the Gulf States has some great

information as well. That is what I remember off the top of my head; so there is some great information out there already, but not all states appear to have it or use similar language.

CHAIRMAN MILLER: We appreciate the feedback we've received thus far. Does anyone have any further feedback for Karyl; with regard to signage and/or suggestions? Lewis Gillingham.

MR. LEWIS GILLINGHAM: Karyl, I think that state you were talking about is Texas; because I visited their website, and they've got a good bit of information there.

MS. BREWSTER-GEISZ: Yes, thank you for that. I am interested in hearing if this group wants to keep doing this; and what the next steps could be, if this is what they would like.

CHAIRMAN MILLER: Does anyone have a suggestion in this regard; concerning next steps? Krista.

MS. SHIPLEY: I don't know that I necessarily have a suggestion for next steps. But I would like to echo some of the concerns I've heard around about signs in particular. Also in Florida it's primarily a night time fishery; also the amount of coastline we have and the amount of beach accesses that we have that would certainly be a difficult task for us to really get them in all the locations that they are needed, so just more thinking into the signs and kind of echoing some of those earlier concerns.

CHAIRMAN MILLER: Tom Fote.

MR. FOTE: I'm thinking the same problem with Florida, because we fish in the Bays, we fish on the surf; and a lot of these fishing parties are going out now shark fishing on them. I think a more appropriate place would be in tackle stores; where they go to buy their tackle to put in there.

You put posters up on that; or you ask to put it on web pages. You basically want to do a video; and show them the proper way of doing it, and put it on the blogs, the local blogs and put a connection, a link to that. But putting signs on the end of the street, you know people just steal them. I mean you'll find them in people's basements; by their bars or whatever, or they'll just use them for target practice, one or the other. Signs don't work.

We used to put them up in Newark Bay; when I basically talked to the Commissioner of the DEP to ban the taking of crabs in Newark Bay. We used to put it up in nine different languages. As fast as we put them down is as fast as they would steal them; because this way they didn't see the sign, they could do whatever they wanted.

CHAIRMAN MILLER: I think your point is well taken, Tom. Signs in tackle shops are generally well received by the owners; because it keeps clients engaged when they come into their establishment. I think that's a useful suggestion. You're right, signs have a way of disappearing otherwise, or being vandalized or damaged. Comment, Chris?

MR. BATSAVAGE: I think what we're trying to get at is to get this information out the best way possible; so people handle the sharks properly, get them back in the water in the safest manner for the shark and for them. I'm interested in hearing more about what Florida has. I may talk to you offline, Krista, as far as some of the efforts that you've done; because that might be the route, if we want to advance this further.

That might be the route we want to go; is look at what another state like Florida has done. It obviously has done a lot. Instead of reinventing the wheel, and coming up with similar but different language, as far as safe handling practices, because that does get confusing. I know it does on sea turtles; where depending on what agency and what coast you're on, you get different advice on proper handling and the

release of sea turtles. I don't think we want to have that same situation with coastal sharks.

CHAIRMAN MILLER: Maureen.

MS. MAUREEN DAVIDSON: In dealing with the anglers who are given tags by NOAA; so that they can catch sharks and tag them, especially those that are shore-based. As part of dealing with them and responding to their questions, can you suggest that they contact perhaps their states Marine Resource Division or Department?

The first time I found out that people were tagging sharks on the shore is because I read it on Facebook; and it was one of the guys who dragged a shark up, he took his picture, and he says he's tagging for NOAA. We were like, he's handling prohibited species. He's dragging them up on the beach. New York, we don't know about that.

We might ask that the people who are tagging, I'm just suggesting we might ask that they come up and talk to us or fill out some paperwork; so that we could recognize them as someone who could handle prohibited species, and they're working with NOAA, as opposed to someone who is just kind of doing it freely on a state shoreline. They have the NOAA tags; but they don't have anything else from the state to say it is okay for them to handle these sharks.

CHAIRMAN MILLER: It's a good point, Maureen. John Clark.

MR. CLARK: That was very interesting, Maureen, because we've had similar instances where just recently we had some guy that actually asked me to get a scientific collecting permit. He told me he was a contractor for NOAA Fisheries; because he was doing the shark tagging, which made me a little suspicious.

I thought it might be this, and I talked to our enforcement agents. He was like a local lunkhead that had already been busted several

times for pulling sharks up on the beach. Yet he was able to get these tags; so maybe you need to screen some of these guys better.

CHAIRMAN MILLER: We're debating where to go with this particular item. Of course Karyl is looking for feedback; not only with the specific wording on the sign, but which states want signs. It would be up to the states as to where they're placed; the most effective place. Whether it is shoreline access areas, piers, tackle shops or whatever. That probably should be left up to the state jurisdictions involved; because they know their local fisheries and fisheries infrastructure best. Karyl.

MS. BREWSTER-GEISZ: Yes, and we certainly don't want to push signs. I'm hearing a lot of logistical issues with signs. If people don't want signs then we don't have to go with that. We've gotten pretty adept at doing postcards. We even have a dusky shark sticker; so we could do a sticker with the Be Fast, and more information.

We also have the one page more detailed information that we had pulled together on the PDT that we could send out to everybody to review. What I am hearing from the group is it's a good idea; and it would be good to have consistent language. But I'm not hearing a lot on what that consistent language necessarily should be. Would it help to see the more detailed web page?

CHAIRMAN MILLER: John.

MR. CLARK: Karyl, do you have like a Smartphone Application that would have this; in addition, I mean like a shark ID type of guide, and you could put some of this information right in there? I think a lot of people also would need help in knowing what type of shark they're even catching a lot of times. It might be real useful to have something like that.

MS. BREWSTER-GEISZ: Yes, we don't have that. We have the shortfin mako application, which I

think does not work right now; if I remember correctly, because there have been so many updates it's hard to keep up. But there are sharks in a lot of the applications that people use up and down the coast; and I cannot remember the name of the application that is used the most frequently. But we could provide information in that.

CHAIRMAN MILLER: Mike Luisi.

MR. LUISI: If you're asking for a suggestion; I may suggest that maybe through Kirby that Karyl and Kirby work to get information out to the states. We're all so different in how we operate; and we're all going to be of such difference of opinion here. I think it might be best to solicit for that input individually through the states.

Allow us to go back and talk with staff, and figure out what best suggestions we might make given this issue. Then perhaps there would be a follow up; based on the feedback that the states provide to NOAA on this issue, a follow up at a future meeting, to see if we can all maybe get on the same page.

CHAIRMAN MILLER: I think that's a good suggestion, Mike. In the meantime Karyl, I hesitate to make an assignment. But if you could make the draft signage available to everyone on the Board; they in turn could solicit suggestions from staff, and get back to you. Perhaps at a future meeting we can finalize, at least help you finalize the wording on the signs.

Then it would be up to the states to distribute these signs in the most effective manner that they see fit. I think John Clark's suggestion for electronic access to this information via Smartphones is a really good suggestion as well. Is there anything further on this topic? Maureen.

MS. DAVIDSON: Hi Karyl, I think you met with Kim McKown and Chris Scott in New York; concerning the taking of sharks from the

shoreline, and best handling practices. I just wanted to ask, because I wasn't there, what are the thoughts about the fact that in New York if you're fishing for sharks from the shore you're targeting prohibited sharks? Should we just go and prohibit all shark fishing from shore? What are your thoughts on that?

MS. BREWSTER-GEISZ: Yes we had a discussion about that. We didn't conclude necessarily that it was needed to prohibit shark fishing from shore. From a NOAA Fisheries standpoint that is certainly not our aim; to stop fishing. But we do understand New York's issue; where if you are fishing from shore, you are most likely catching only prohibited shark species, which is an issue.

We talked about ways of how would you define shark fishing in such a way that you wouldn't be stopping other non-shark fishing, and the difficulties there? Also, how would the Apex Predator's Program folk know that somebody was shore-based fishing in New York; and is there a way to do that? We didn't come to any great conclusions. Both of us walked away with more things to think about and do than any real answers on that. But I think it is an issue that more than just New York has; in terms of the targeting and fishing for prohibited species from shore.

CHAIRMAN MILLER: Thank you Karyl and Maureen. Tom, I'll call on you, but we do need to wrap this up pretty quickly.

MR. FOTE: The guys when they're fishing for sharks on the beach have reels that are completely oversized for what they're doing. The leaders have hooks on them with cable or heavy wire on it. It's a whole different ballgame from when you're fishing for bluefish or striped bass; because they'll just chomp through the wire.

Pretty much the gear for the guys that are actually directing for a fishery at night with sharks; are using bigger reels, different tackle

altogether, because they realize they're pulling in big fish, and they're also designed for sharks. They basically have either wire cable or stronger metal leaders.

CHAIRMAN MILLER: All right thank you, Tom. I'm probably going to request that we cut off discussion at this point; in order to stay pretty much on time. I do want to suggest under other business that the staff send out a notice to the states if they request a public hearing on the draft Addendum V.

They will be hearing from staff in that regard to determine whether the state wants a public hearing.

ADJOURNMENT

CHAIRMAN MILLER: Is there any further business before this Shark Board? Seeing no hands; I'll take it that is an indication that we're ready for adjournment. If so thank you; and this meeting is adjourned.

(Whereupon the meeting adjourned at 2:20 o'clock p.m. on August 8, 2018)

Draft Addendum for Board Review

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM V TO THE INTERSTATE FISHERY
MANAGEMENT PLAN FOR ATLANTIC COASTAL SHARKS FOR
BOARD REVIEW**



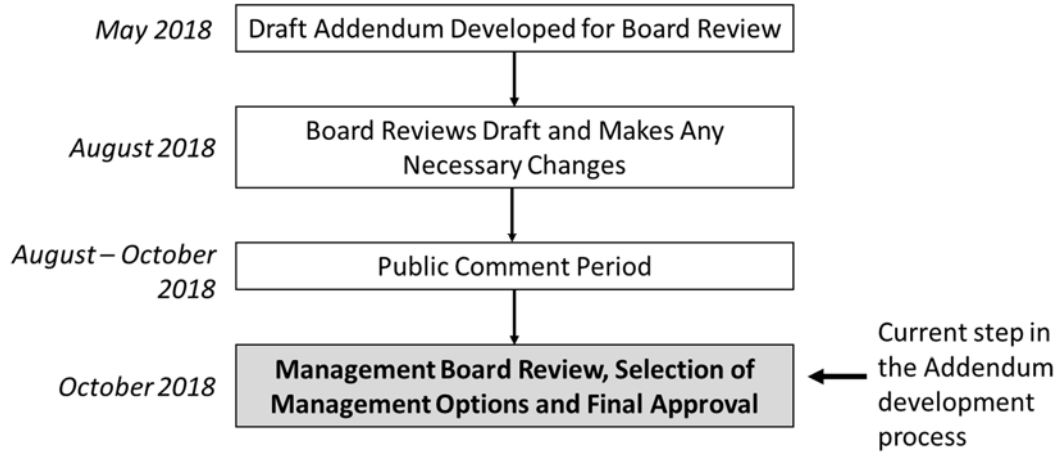
Vision: Sustainably Managing Atlantic Coastal Fisheries

October 2018

Draft Addendum for Board Review

Public Comment Process and Proposed Timeline

In May 2018, the Atlantic States Marine Fisheries Commission's (Commission) Coastal Sharks Management Board initiated the development of an addendum to the Interstate Fishery Management Plan (FMP) to streamline the process of states implementing complementary measures to federal shark regulations whenever possible. This Draft Addendum presents background on the Commission's management of coastal sharks, the addendum process and timeline, and a statement of the problem.



Draft Addendum for Board Review

Table of Contents

1.0 Introduction3

2.0 Overview.....3

2.1 Statement of Problem3

2.2 Background4

3.0 Proposed Management Program5

4.0 Implementation6

References.....6

Draft Addendum for Board Review

1.0 Introduction

Atlantic shark fisheries from Maine through the east coast of Florida are currently managed through complementary fishery management plans by the Commission and NOAA Fisheries Highly Migratory Species (HMS) Management Division. The Commission coordinates management of Atlantic sharks in state waters (0-3 miles) via the 2008 Atlantic Coastal Sharks Interstate Fishery Management Plan (FMP) and Addenda I-IV. Management authority in the exclusive economic zone (3-200 miles from shore) lies with NOAA Fisheries via the 2006 Consolidated Atlantic HMS FMP and associated Amendments.

The Commission's Coastal Shark Management Board (Board) approved the following motion on May 1, 2018:

Move to initiate an addendum to give the Board the flexibility to implement measures for all species within the Coastal Sharks FMP through Board action.

This Draft Addendum proposes options to allow the Board to streamline the process of state implementation of federal shark regulations so that complementary measures are seamlessly and concurrently implemented at the state and federal level whenever possible.

2.0 Overview

2.1 Statement of Problem

The Commission's Coastal Sharks FMP currently allows for commercial quotas, possession limits, and season dates to be set annually through Board approved specifications. All other changes to commercial or recreational management can only be accomplished through an addendum or emergency action, as outlined in the Adaptive Management Section (4.5) of the FMP (ASMFC 2008). While addenda can be completed in a relatively short period of time (less than 6 months), the timing of the addenda and state implementation can result in inconsistencies between state and federal shark regulations, particularly when NOAA adopts changes through interim emergency rules. Inconsistencies can create confusion for anglers and commercial fishermen, present challenges for law enforcement, and most importantly, undermine the conservation of the resource, particularly when more restrictive measures have been implemented in federal waters based on changes in stock conditions. At times, the states can take up to a year to implement changes while at other times, states never implement any changes.

The only option for the Board to respond quicker than an addendum is through an emergency action, as outlined in the ISFMP Charter. However, there are rigorous criteria that define an emergency action, which are often not met. For example, NOAA Fisheries recently implemented an increase in the recreational size limit for shortfin mako sharks based on new assessment information. While this is an important conservation

Draft Addendum for Board Review

measure, it does not constitute an emergency action in state waters since the conservation of shortfin mako sharks is not substantially at risk by unanticipated changes in the ecosystem, the stock, or the fishery due to catch in state waters. After deciding not to modify shortfin mako regulations in state waters at the Board Meeting in May 2018, the Board chose to initiate this addendum to allow more flexibility in responding to changes in stock status for shortfin mako and all other shark species under the FMP moving forward.

2.2 Background

The Commission's Coastal Sharks FMP, adopted in 2008, manages coastal sharks as eight different complexes: prohibited, research, non-blacknose small coastal sharks (SCS), blacknose, aggregate large coastal sharks (LCS), hammerhead, pelagic, and smooth dogfish. Over the past 9 years, the FMP has been adapted 4 times through addenda. These addenda have been adopted to match regulatory changes made by NOAA HMS for federal waters and HMS permit holders.

To develop commercial management specifications annually, NOAA Fisheries considers recent year's landings data, stock assessment information, international agreements, and input from the HMS Advisory Panel and the public. As part of the Consolidated HMS FMP, NOAA Fisheries can set commercial quotas, possession limits, and season start dates by shark management group. NOAA Fisheries monitors the regional commercial quotas throughout the year and makes adjustments to the season length and possession limit to ensure the quotas are not exceeded.

Generally, NOAA Fisheries will identify commercial specifications (i.e., quota adjustments, season start dates, and starting possession limits) in a proposed rule for HMS permit holders and federal waters in the fall, with the final rule released in November or December. At this time, NOAA Fisheries does not change recreational measures such as possession or size limits on an annual basis. Rather, as changes to the status of stock for shark species become available, NOAA Fisheries implements changes to both commercial and recreational measures in the regulations (e.g., baseline quota, size limits, baseline possession limits, etc.) to address these stock status changes through a proposed and final rulemaking. Additionally, in rare instances, NOAA Fisheries can implement interim emergency rule measures to respond to the new stock status or other emergencies. For all federal rulemakings, NOAA Fisheries provides at least one opportunity for public comment, although interim emergency rules may be implemented before public comment is considered.

Generally, the Commission follows NOAA Fisheries in setting specifications for the commercial fishery by adopting the same commercial quotas, possession limits, and season start dates by shark management groups. Annually, the Commission reviews the specifications as indicated in the proposed rule in October or early November, but often waits to finalize state waters specifications until after NOAA Fisheries publishes a final rule for federal waters. Some states move to implement changes in their measures for

Draft Addendum for Board Review

state waters and state permit holders once the final rule is published; others begin the process in the early part of the following year. As part of the Commission's complementary FMP, the Commission follows NOAA Fisheries for in-season changes to the possession limit. A previously noted, recreational management measures currently cannot be adjusted annually through specifications and require an addendum to modify the FMP.

3.0 Proposed Management Program

The proposed options below consider different approaches to how the Board can adjust coastal shark regulations as well as different timing on when this action can occur.

Option 1: Status Quo

If this option is selected, there would be no change to the current management program. Changes to any of the items listed in the Adaptive Management Section of the FMP could only be adjusted through an addendum or emergency action. Both an addendum and emergency action include opportunities for public comment.

Option 2: Adjust All Needed Measures through Annual Specifications (Modifies Section 4.3.7 of the FMP)

The FMP currently allows the Board to set commercial quotas, possession limits and seasons through annual specifications.

Under this option, the Board would have the authority to annually change the following additional management measures during the fall specifications meeting via Board action:

- Recreational size limits
- Recreational possession limits
- Recreational seasons
- Area closures (both recreational and commercial)
- Gear specifications (both recreational and commercial)
- Effort controls (both recreational and commercial)

Prior to setting specifications, the Board may seek input from the Coastal Sharks Technical Committee (TC) and Advisory Panel (AP) on how management measures should be adjusted as part of the annual specifications process, including a review of any new landings and stock assessment information.

Through a motion, the Board can then adopt these regulatory changes. It is important to note that regulatory changes through a specifications process does not require a public hearing or designated public comment period; however, members of the public are welcome to submit comments to the Board ahead of or during the specifications meeting for consideration. The approval of this option does not preclude the Board from using the addendum process.

Draft Addendum for Board Review

Under this option, the Board also can make in-season adjustments to the above measures through a two-thirds vote of the Board as required under the Commission's voting procedures for modifying annual specifications.

Option 3: Adjust Measures on an Ad Hoc Basis as Needed

Under this option, in the event that new scientific information or management changes for federal waters and HMS permit holder becomes available, the Board will consider adjusting the following management measures via Board action on an as needed basis:

- Recreational size limits
- Recreational possession limits
- Recreational seasons
- Area closures (both recreational and commercial)
- Gear specifications (both recreational and commercial)
- Effort controls (both recreational and commercial)
- Commercial quotas
- Commercial possession limits
- Commercial seasons

In these circumstances, the Board may seek input from the Coastal Sharks TC and AP on how management measures should be adjusted at any point throughout the fishing season. Through a motion, the Board can then adopt these regulatory changes.

It is important to note that regulatory changes under this option would not require public hearings or a designated public comment period; however, members of the public are welcome to submit comments to the Board ahead of or during the meeting to consider adjusting these measures. The approval of this option does not preclude the board from using the addendum process.

4.0 Implementation

TBD

References

Atlantic States Marine Fisheries Commission (ASMFC). 2008. Interstate Fishery Management Plan for Coastal Sharks.

We plan to hold a public meeting to receive oral comments on this notice of inquiry and will announce the date, time, and location in a separate document published in the **Federal Register**. If you signed up for docket email alerts mentioned in the paragraph above, you will receive an email notice when the public meeting notice is published and placed in the docket.

Dated: September 4, 2018.

N.C. Witt,

Commander, U.S. Coast Guard, Captain of the Port Savannah.

[FR Doc. 2018-19661 Filed 9-10-18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180517486-8772-01]

RIN 0648-XG263

Atlantic Highly Migratory Species; 2019 Atlantic Shark Commercial Fishing Year

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would establish quotas, opening dates, and retention limits for the 2019 fishing year for the Atlantic commercial shark fisheries. Quotas would be adjusted as required or allowable based on any over- and/or underharvests experienced during the 2018 fishing year. In addition, NMFS proposes opening dates and commercial retention limits based on adaptive management measures to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea.

DATES: Written comments must be received by October 11, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2018-0097, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;

D=NOAA-NMFS-2018-0097, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Brad McHale, NMFS/SF1, 1315 East-West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Copies of this proposed rule and supporting documents are available from the HMS Management Division website at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species> or by contacting Lauren Latchford or Chanté Davis by phone at (301) 427-8503.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz, Lauren Latchford, or Chanté Davis at (301) 427-8503.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established commercial shark retention limits, commercial quotas for species and management groups, and accounting measures for under- and overharvests for the shark fisheries. The FMP also includes adaptive management measures, such as flexible opening dates for the fishing year and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

2019 Proposed Quotas

This proposed rule would adjust the quota levels for the different shark stocks and management groups for the 2019 Atlantic commercial shark fishing year based on over- and underharvests that occurred during the 2018 fishing year, consistent with existing regulations at 50 CFR 635.27(b). Over- and underharvests are accounted for in the same region, sub-region, and/or fishery in which they occurred the following year, except that large overharvests may be spread over a number of subsequent fishing years up to a maximum of five years. Shark stocks that are overfished, have overfishing occurring, or have an unknown status, as well as management groups that contain one or more stocks that are overfished, have overfishing occurring, or have an unknown stock status, will not have underharvest carried over in the following year. Stocks or management groups that are not overfished and have no overfishing occurring may have any underharvest carried over in the following year, up to 50 percent of the base quota.

Based on harvests to date, and after considering catch rates and landings from previous years, NMFS proposes to adjust the 2019 quotas for some management groups as shown in Table 1. In the final rule, NMFS will adjust the quotas as needed based on dealer reports received by mid-October 2018. Thus, all of the 2019 proposed quotas for the respective stocks and management groups will be subject to further adjustment after NMFS considers the dealer reports through mid-October. All dealer reports that are received after the October date will be used to adjust 2020 quotas, as appropriate.

While the sub-quota for the western Gulf of Mexico aggregated large coastal shark (LCS) was exceeded this year, based on current landings in the eastern Gulf of Mexico for that management group and based on catch rates from previous years from the eastern Gulf of Mexico, NMFS does not believe the overall regional Gulf of Mexico aggregated LCS quota will be exceeded. Thus, NMFS proposes the base line quotas for the eastern and western Gulf of Mexico sub-regions. If catch rates in the eastern Gulf of Mexico increase, it is possible that in the final rule NMFS would need to reduce the western Gulf of Mexico sub-regional aggregated LCS quota to account for that sub-region’s overharvest.

Because the Gulf of Mexico blacktip shark management group and smoothhound shark management groups

in the Gulf of Mexico and Atlantic regions have been determined not to be overfished, and to have no overfishing occurring, available underharvest (up to 50 percent of the base quota) from the 2018 fishing year for these management groups may be applied to the respective 2019 quotas. NMFS proposes to account for any underharvest of Gulf of Mexico blacktip sharks by dividing underharvest between the eastern and western Gulf of Mexico sub-regional quotas based on the sub-regional quota split percentage implemented in

Amendment 6 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP).

For the sandbar shark, aggregated large coastal shark (LCS), hammerhead shark, non-blacknose small coastal shark (SCS), blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups, the 2018 underharvests cannot be carried over to the 2019 fishing year because those stocks or management groups have been determined to be overfished, overfished with overfishing occurring, or have an

unknown status. Furthermore, with the exception of the sub-regional western Gulf of Mexico overharvest of the aggregated LCS quota described above, there were no overharvests to account for in these management groups. Thus, NMFS proposes that quotas for these management groups be equal to the annual base quota without adjustment.

The proposed 2019 quotas by species and management group are summarized in Table 1; the description of the calculations for each stock and management group can be found below.

TABLE 1—2019 PROPOSED QUOTAS AND OPENING DATES FOR THE ATLANTIC SHARK MANAGEMENT GROUPS
 [All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. Table includes landings data as of July 13, 2018; final quotas are subject to change based on landings as of October 2018. 1 mt = 2,204.6 lb.]

Region or sub-region	Management group	2018 Annual quota (A)	Preliminary 2018 landings (B) ¹	Adjustments ² (C)	2019 base Annual quota (D)	2019 proposed annual quota (D + C)
Western Gulf of Mexico.	Blacktip Sharks	347.2 mt dw 765,392 lb dw	330.2 mt dw 727,992 lb dw	34.6 mt dw ³ 76,401 lb dw	231.0 mt dw 510,261 lb dw	265.6 mt dw 586,662.2 lb dw
	Aggregated Large Coastal Sharks	72 mt dw 158,724 lb dw	92.2 mt dw 203,400 lb dw		72.0 mt dw 158,724 lb dw	72.0 mt dw 158,724 lb dw
	Hammerhead Sharks	11.9 mt dw 26,301 lb dw	11.0 mt dw 24,292 lb dw		11.9 mt dw 26,301 lb dw	11.9 mt dw 26,301 lb dw
Eastern Gulf of Mexico.	Blacktip Sharks	37.7 mt dw 83,158 lb dw	16.3 mt dw 35,856 lb dw	3.8 mt dw ³ 8,301 lb dw	25.1 mt dw 55,439 lb dw	28.9 mt dw 63,740 lb dw
	Aggregated Large Coastal Sharks	85.5 mt dw 188,593 lb dw	37.5 mt dw 82,751 lb dw		85.5 mt dw 188,593 lb dw	85.5 mt dw 188,593 lb dw
	Hammerhead Sharks	13.4 mt dw 29,421 lb dw	6.2 mt dw 13,696 lb dw		13.4 mt dw 29,421 lb dw	13.4 mt dw 29,421 lb dw
Gulf of Mexico	Non-Blacknose Small Coastal Sharks	112.6 mt dw 248,215 lb dw	27.5 mt dw 60,731 lb dw		112.6 mt dw 248,215 lb dw	112.6 mt dw 248,215 lb dw
	Smoothhound Sharks	504.6 mt dw 1,112,441 lb dw	0 mt dw 0 lb dw	168.2 mt dw 370,814 lb dw	336.4 mt dw 741,627 lb dw	504.6 mt dw 1,112,441 lb dw
Atlantic	Aggregated Large Coastal Sharks	168.9 mt dw 372,552 lb dw	45.9 mt dw 101,245 lb dw		168.9 mt dw 372,552 lb dw	168.9 mt dw 372,552 lb dw
	Hammerhead Sharks	27.1 mt dw 59,736 lb dw	4.9 mt dw 10,777 lb dw		27.1 mt dw 59,736 lb dw	27.1 mt dw 59,736 lb dw
	Non-Blacknose Small Coastal Sharks	264.1 mt dw 582,333 lb dw	55.1 mt dw 121,385 lb dw		264.1 mt dw 582,333 lb dw	264.1 mt dw 582,333 lb dw
	Blacknose Sharks (South of 34° N lat. only)	17.2 mt dw (37,921 lb dw)	3.4 mt dw 7,501 lb dw		17.2 mt dw 37,921 lb dw	17.2 mt dw 37,921 lb dw
	Smoothhound Sharks	1802.6 mt dw 3,971,587 lb dw	261.4 mt dw 576,181 lb dw	600.85 mt dw 1,324,634 lb dw	1201.7 mt dw 2,649,268 lb dw	1802.55 mt dw 3,973,902 lb dw
	No regional quotas.	Non-Sandbar LCS Research	50.0 mt dw 110,230 lb dw	11.2 mt dw 24,799 lb dw		50.0 mt dw 110,230 lb dw
Sandbar Shark Research		90.7 mt dw 199,943 lb dw	31.0 mt dw 68,443 lb dw		90.7 mt dw 199,943 lb dw	90.7 mt dw 199,943 lb dw
Blue Sharks		273.0 mt dw 601,856 lb dw	<13.6 mt dw (<30,000 lb dw)		273.0 mt dw 601,856 lb dw	273.0 mt dw 601,856 lb dw
Porbeagle Sharks		1.7 mt dw 3,748 lb dw	0 mt dw 0 lb dw		1.7 mt dw 3,748 lb dw	1.7 mt dw 3,748 lb dw
Pelagic Sharks Other Than Porbeagle or Blue sharks.		488.0 mt dw 1,075,856 lb dw	38.1 mt dw 83,896 lb dw		488.0 mt dw 1,075,856 lb dw	488.0 mt dw 1,075,856 lb dw

¹ Landings are from January 1, 2018, through July 13, 2018, and are subject to change.

² Underharvest adjustments can only be applied to stocks or management groups that are not overfished and have no overfishing occurring. Also, the underharvest adjustments cannot exceed 50 percent of the base quota.

³ This proposed rule would increase the overall Gulf of Mexico blacktip shark quota due to an overall underharvest of 38.4 mt dw (84,702 lb dw) in 2018. The overall quota would be split based on percentages that are allocated to each sub-region, as explained in the text.

1. Proposed 2019 Quotas for the Gulf of Mexico Region Shark Management Groups

The 2019 proposed commercial quota for blacktip sharks in the western Gulf of Mexico sub-region is 265.6 mt dw (586,662 lb dw) and the eastern Gulf of Mexico sub-region is 28.9 mt dw (63,740 lb dw; Table 1). As of July 13, 2018, preliminary reported landings for

blacktip sharks in the western Gulf of Mexico sub-region were at 95 percent (330.2 mt dw) of their 2018 quota levels (347.2 mt dw), while the blacktip sharks in the eastern Gulf of Mexico sub-region were at 43 percent (16.3 mt dw) of their 2018 quota levels (37.7 mt dw). Reported landings have not exceeded the 2018 quota to date, and the western Gulf of Mexico sub-region fishery was

closed on March 13, 2018 (83 FR 10802). Gulf of Mexico blacktip sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for blacktip sharks within the Gulf of Mexico region therefore could be applied to the 2019 quotas up to 50 percent of the base quota. Additionally,

any underharvest would be divided between the two sub-regions, based on the percentages that are allocated to each sub-region, which are set forth in § 635.27(b)(1)(ii)(C). To date, the overall Gulf of Mexico blacktip shark management group is underharvested by 38.4 mt dw (84,702 lb dw). Accordingly, the western Gulf of Mexico blacktip shark quota would be increased by 34.6 mt dw or 90.2 percent of the underharvest, while the eastern Gulf of Mexico blacktip shark sub-regional quota would be increased by 3.8 mt dw, or 9.8 percent of the underharvest (Table 1). Thus, the proposed western sub-regional Gulf of Mexico blacktip shark commercial quota is 265.6 mt dw (586,662 lb dw), and the proposed eastern sub-regional Gulf of Mexico blacktip shark commercial quota is 28.9 mt dw (63,740 lb dw).

The 2019 proposed commercial quota for aggregated LCS in the western Gulf of Mexico sub-region is 72.0 mt dw (158,724 lb dw), and the eastern Gulf of Mexico sub-region is 85.5 mt dw (188,593 lb dw; Table 1). As of July 13, 2018, preliminary reported landings for aggregated LCS in the western Gulf of Mexico sub-region were at 128 percent (92.2 mt dw) of their 2018 quota levels (72.0 mt dw), while the aggregated LCS in the eastern Gulf of Mexico sub-region were at 44 percent (37.5 mt dw) of their 2018 quota levels (85.5 mt dw). Reported landings have not exceeded the overall Gulf of Mexico regional 2018 quota to date, and the western aggregated LCS sub-region fishery was closed on March 13, 2018 (83 FR 10802). Given the unknown status of some of the shark species within the Gulf of Mexico aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quotas for aggregated LCS in the western Gulf of Mexico and eastern Gulf of Mexico sub-regions be equal to their annual base quotas without adjustment, because the overall regional quota has not been overharvested and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quotas for hammerhead sharks in the western Gulf of Mexico sub-region and eastern Gulf of Mexico sub-region are 11.9 mt dw (26,301 lb dw) and 13.4 mt dw (29,421 lb dw), respectively (Table 1). As of July 13, 2018, preliminary reported landings for hammerhead sharks in the western Gulf of Mexico sub-region were at 92 percent (11.0 mt

dw) of their 2018 quota levels (11.9 mt dw), while landings of hammerhead sharks in the eastern Gulf of Mexico sub-region were at 47 percent (6.2 mt dw) of their 2018 quota levels (13.4 mt dw). Reported landings from both Gulf of Mexico and Atlantic regions have not exceeded the 2018 overall hammerhead quota to date, and the western hammerhead shark Gulf of Mexico sub-region fishery was closed on March 13, 2018 (83 FR 10802). Given the overfished status of the scalloped hammerhead shark, the hammerhead shark quota cannot be adjusted for any underharvests. Therefore, based on both preliminary estimates and catch rates from previous years, the fact that the 2018 overall hammerhead shark quota has not been overharvested to date, and consistent with the current regulations at § 635.27(b)(2)(ii), NMFS proposes that the 2019 quotas for hammerhead sharks in the western Gulf of Mexico and eastern Gulf of Mexico sub-regions be equal to their annual base quotas without adjustment.

The 2019 proposed commercial quota for non-blacknose SCS in the Gulf of Mexico region is 112.6 mt dw (248,215 lb dw). As of July 13, 2018, preliminary reported landings of non-blacknose SCS were at 24 percent (27.5 mt dw) of their 2018 quota level (112.6 mt dw) in the Gulf of Mexico region. Reported landings have not exceeded the 2018 quota to date. Given the unknown status of bonnethead sharks within the Gulf of Mexico non-blacknose SCS management group, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota for non-blacknose SCS in the Gulf of Mexico region be equal to the annual base quota without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for smoothhound sharks in the Gulf of Mexico region is 504.6 mt dw (1,112,441 lb dw). As of July 13, 2018, there are no preliminary reported landings of smoothhound sharks in the Gulf of Mexico region. Gulf of Mexico smoothhound sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for smoothhound sharks within the Gulf of Mexico region therefore could be applied to the 2019 quotas up to 50 percent of the base quota. Accordingly, NMFS proposes to increase the 2019

Gulf of Mexico smoothhound shark quota to adjust for anticipated underharvests in 2018 as allowed. The proposed 2019 adjusted base annual quota for Gulf of Mexico smoothhound sharks is 504.6 mt dw (336.4 mt dw annual base quota + 168.2 mt dw 2018 underharvest = 504.6 mt dw 2019 adjusted annual quota).

2. Proposed 2019 Quotas for the Atlantic Region Shark Management Groups

The 2019 proposed commercial quota for aggregated LCS in the Atlantic region is 168.9 mt dw (372,552 lb dw). As of July 13, 2018, the aggregated LCS fishery in the Atlantic region is still open and preliminary landings indicate that only 27 percent of the quota, or 45.9 mt dw, has been harvested. Given the unknown status of some of the shark species within the Atlantic aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with current regulations at § 635.27(b)(2), NMFS proposes that the 2018 quota for aggregated LCS in the Atlantic region be equal to the annual base quota without adjustment, because there have not been any overharvests and underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for hammerhead sharks in the Atlantic region is 27.1 mt dw (59,736 lb dw). Currently, the hammerhead shark fishery in the Atlantic region is still open and preliminary landings as of July 13, 2018, indicate that only 18 percent of the Atlantic regional quota, or 4.9 mt dw, has been harvested. Reported landings from both Gulf of Mexico and Atlantic regions have not exceeded the 2018 overall hammerhead quota to date. Given the overfished status of hammerhead sharks, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on both preliminary estimates and catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota for hammerhead sharks in the Atlantic region be equal to the annual base quota without adjustment, because the overall hammerhead shark quota has not been overharvested, and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for non-blacknose SCS in the Atlantic region is 264.1 mt dw (582,333 lb dw). As of July 13, 2018, preliminary reported landings of non-blacknose SCS were at 21 percent (55.1 mt dw) of their

2018 quota level in the Atlantic region. Reported landings have not exceeded the 2018 quota to date. Given the unknown status of bonnethead sharks within the Atlantic non-blacknose SCS management group, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates of catch rates from previous years, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota for non-blacknose SCS in the Atlantic region be equal to the annual base quota without adjustment, because there have not been any overharvests, and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quota for blacknose sharks in the Atlantic region is 17.2 mt dw (37,921 lb dw). This quota is available in the Atlantic region only for those vessels operating south of 34° N. latitude. North of 34° N. latitude, retention, landing, or sale of blacknose sharks is prohibited. As of July 13, 2018, preliminary reported landings of blacknose sharks were at 20 percent (3.4 mt dw) of their 2018 quota levels in the Atlantic region. Reported landings have not exceeded the 2018 quota to date. Pursuant to § 635.27(b)(2), because blacknose sharks have been declared to be overfished with overfishing occurring in the Atlantic region, NMFS could not carry forward the remaining underharvest. Therefore, NMFS proposes that the 2019 Atlantic blacknose shark quota be equal to the annual base quota without adjustment.

The 2019 proposed commercial quota for smoothhound sharks in the Atlantic region is 1,802.6 mt dw (3,973,902 lb dw). As of July 13, 2018, preliminary reported landings of smoothhound sharks were at 14 percent (261.4 mt dw) of their 2018 quota levels in the Atlantic region. Atlantic smoothhound sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for smoothhound sharks within the Atlantic region therefore could be applied to the 2019 quotas up to 50 percent of the base quota. Accordingly, NMFS proposes to increase the 2019 Atlantic smoothhound shark quota to adjust for anticipated underharvests in 2018 as allowed. The proposed 2019 adjusted base annual quota for Atlantic smoothhound sharks is 1,802.6 mt dw (1,201.7 mt dw annual base quota + 600.9 mt dw 2018 underharvest = 1,802.6 mt dw 2019 adjusted annual quota).

3. Proposed 2019 Quotas for Shark Management Groups With No Regional Quotas

The 2019 proposed commercial quotas within the shark research fishery are 50 mt dw (110,230 lb dw) for research LCS and 90 mt dw (199,943 lb dw) for sandbar sharks. Within the shark research fishery, as of July 13, 2018, preliminary reported landings of research LCS were at 22 percent (11.2 mt dw) of their 2018 quota levels, and sandbar shark reported landings were at 34 percent (31.0 mt dw) of their 2018 quota levels. Reported landings have not exceeded the 2018 quotas to date. Under § 635.27(b)(2)(ii), because sandbar sharks and scalloped hammerhead sharks within the research LCS management group have been determined to be either overfished or overfished with overfishing occurring, underharvests for these management groups cannot be carried forward to the 2019 quotas. Therefore, based on preliminary estimates, and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quota in the shark research fishery be equal to the annual base quota without adjustment because there have not been any overharvests, and because underharvests cannot be carried over due to stock status.

The 2019 proposed commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273.0 mt dw (601,856 lb dw), 1.7 mt dw (3,748 lb dw), and 488.0 mt dw (1,075,856 lb dw), respectively. As of July 13, 2018, preliminary reported landings of blue sharks were at less than 5 percent (less than 13.6 mt dw) of their 2018 quota level (273.0 mt dw), there are no preliminary reported landings of porbeagle sharks, and landings of pelagic sharks (other than porbeagle and blue sharks) were at 8 percent (38.1 mt dw) of their 2018 quota level (488.0 mt dw). Given that these pelagic species are overfished, have overfishing occurring, or have an unknown status, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes that the 2019 quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks) be equal to their annual base quotas without adjustment, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

4. Proposed Opening Dates and Retention Limits for the 2019 Atlantic Commercial Shark Fishing Year

For each fishery, NMFS considered the seven "Opening Commercial Fishing Season Criteria" listed at § 635.27(b)(3). The Criteria includes factors such as the available annual quotas for the current fishing season, estimated season length and average weekly catch rates from previous years, length of the season and fishery participation in past years, impacts to accomplishing objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments, temporal variation in behavior or biology of target species (e.g., seasonal distribution or abundance), impact of catch rates in one region on another, and effects of delayed openings.

NMFS applied the Opening Commercial Fishing Season Criteria by examining the over- and underharvests of the different management groups in the 2018 fishing year to determine the likely effects of the proposed commercial quotas for 2019 on shark stocks and fishermen across regional and sub-regional fishing areas. NMFS also examined the potential season length and previous catch rates to ensure, to the extent practicable, that equitable fishing opportunities be provided to fishermen in all areas. Lastly, NMFS examined the seasonal variation of the different species/management groups and the effects on fishing opportunities.

NMFS also considered the six "Inseason trip limit adjustment criteria" listed at § 635.24(a)(8) for directed shark limited access permit holders intending to land LCS other than sandbar sharks. Those criteria are: the amount of remaining shark quota in the relevant area or region, to date, based on dealer reports; the catch rates of the relevant shark species/complexes, to date, based on dealer reports; estimated date of fishery closure based on when the landings are projected to reach 80-percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season, or when the season of a quota-linked management group is closed; effects of the adjustment on accomplishing the objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments; variations in seasonal distribution, abundance, or migratory patterns of the relevant shark species based on scientific and fishery-based knowledge; and/or effects of catch rates in one part of a region precluding vessels in another part of that region from having a

reasonable opportunity to harvest a portion of the relevant quota.

After considering all these criteria, NMFS is proposing to open the 2019 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, on or about January 1, 2019, after the publication of the final

rule for this action (Table 2). NMFS is also proposing to start the 2019 commercial shark fishing season with the commercial retention limit of 36 LCS other than sandbar sharks per vessel per trip in both the eastern and western Gulf of Mexico sub-regions, and a commercial retention limit of 25 LCS other than sandbar sharks per vessel per

trip in the Atlantic region (Table 2). NMFS will consider public comments received during the current year and catch rates from this year. Any retention limits that are proposed could change as a result of public comments as well as catch rates and landings information based on updated data available when drafting the final rule.

TABLE 2—QUOTA LINKAGES, SEASON OPENING DATES, AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP

Region or sub-region	Management group	Quota linkages	Season opening dates	Commercial retention limits for directed shark limited access permit holders (inseason adjustments are possible)
Western Gulf of Mexico.	Blacktip Sharks	Not Linked	January 1, 2019 ..	36 LCS other than sandbar sharks per vessel per trip.
	Aggregated Large Coastal Sharks Hammerhead Sharks	Linked		
Eastern Gulf of Mexico.	Blacktip Sharks	Not Linked	January 1, 2019 ..	36 LCS other than sandbar sharks per vessel per trip. NMFS anticipates an inseason increase to 50 large coastal sharks other than sandbar sharks per vessel per trip around April 1, 2019.
	Aggregated Large Coastal Sharks Hammerhead Sharks	Linked		
Gulf of Mexico	Non-Blacknose Small Coastal Sharks ..	Not Linked	January 1, 2019 ..	N/A.
Atlantic	Smoothhound Sharks	Not Linked	January 1, 2019 ..	N/A.
	Aggregated Large Coastal Sharks	Linked	January 1, 2019 ..	25 LCS other than sandbar sharks per vessel per trip. If quota is landed quickly (e.g., if approximately 20 percent of quota is caught at the beginning of the year), NMFS anticipates an inseason reduction (e.g., to 3 or fewer LCS other than sandbar sharks per vessel per trip), then an inseason increase to 36 LCS other than sandbar sharks per vessel per trip around July 15, 2019.
	Non-Blacknose Small Coastal Sharks ..	Linked (South of 34° N lat. only).	January 1, 2019 ..	N/A.
	Blacknose Sharks (South of 34° N lat. only).	8 Blacknose sharks per vessel per trip (applies to directed and incidental permit holders).
No regional quotas	Smoothhound Sharks	Not Linked	January 1, 2019 ..	N/A.
	Non-Sandbar LCS Research	Linked	January 1, 2019 ..	N/A.
	Sandbar Shark Research
	Blue Sharks	Not Linked	January 1, 2019 ..	N/A.
	Porbeagle Sharks Pelagic Sharks Other Than Porbeagle or Blue.

In the Gulf of Mexico region, NMFS proposes opening the fishing season on or about January 1, 2019, for the aggregated LCS, blacktip sharks, and hammerhead shark management groups with the commercial retention limits of 36 LCS other than sandbar sharks per vessel per trip for directed shark permit holders in the eastern and western sub-region. This opening date and retention limit combination would provide, to the extent practicable, equitable opportunities across the fisheries management sub-regions. This opening date takes into account all the season opening criteria listed in § 635.27(b)(3), and particularly the criteria that NMFS consider the length of the season for the

different species and/or management group in the previous years (§ 635.27(b)(3)(ii) and (iii)) and whether fishermen were able to participate in the fishery in those years (§ 635.27(b)(3)(v)). The proposed commercial retention limits take into account the criteria listed in § 635.24(a)(8), and particularly the criterion that NMFS consider the catch rates of the relevant shark species/complexes based on dealer reports to date (§ 635.24(a)(8)(ii)). NMFS may also adjust the retention limit in the Gulf of Mexico region throughout the season to ensure fishermen in all parts of the region have an opportunity to harvest aggregated LCS, blacktip sharks, and hammerhead sharks (see the criteria

listed at § 635.27(b)(3)(v) and § 635.24(a)(8)(ii), (v), and (vi)). In 2018, the aggregated LCS, hammerhead, and blacktip shark management groups in the western Gulf of Mexico sub-region were closed on March 13, 2018 (82 FR 20447). As such, in 2019, NMFS is proposing a reduction in the commercial trip limit for these management groups in order to ensure the management group is open until at least April 2019, which is when the State of Louisiana closes state waters to shark fishing and when that State has previously asked that NMFS close Federal shark fisheries to match state regulations (see the criteria listed at § 635.27(b)(3)(vii) and

§ 635.24(a)(8)(iii)). In the eastern Gulf of Mexico, NMFS is proposing a lower trip limit to ensure fishermen in both Gulf of Mexico sub-regions have an opportunity to harvest aggregated LCS, blacktip sharks, and hammerhead sharks and to reduce any confusion or inequities caused by establishing different catch limits for each sub-region. When the western Gulf of Mexico sub-region closes, which is expected to occur around April 1, 2019, NMFS may increase the eastern Gulf of Mexico sub-region retention limit, potentially up to 50 or 55 sharks per trip. Modifying the retention limit on an inseason basis in this manner is similar to what NMFS has done successfully in recent years in the Atlantic region. NMFS expects such changes in retention limit to allow fishermen in the eastern Gulf of Mexico the opportunity to fully land the available quotas.

In the Atlantic region, NMFS proposes opening the aggregated LCS and hammerhead shark management groups on or about January 1, 2019. This opening date is the same date that these management groups opened in 2018. As described below, this opening date also takes into account all the criteria listed in § 635.27(b)(3), and particularly the criterion that NMFS consider the effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas (§ 635.27(b)(3)(v)). The 2018 data indicates that an opening date of January 1, coupled with inseason adjustments to the retention limit, provided a reasonable opportunity for fishermen in every part of each region to harvest a portion of the available quotas (§ 635.27(b)(3)(i)) while accounting for variations in seasonal distribution of the different species in the management groups (§ 635.27(b)(3)(iv)). In 2018, when the aggregated LCS quota was harvested too quickly, NMFS reduced the retention limit to three sharks per trip (May 10, 2018; 83 FR 17765) to allow fishermen in the North Atlantic an opportunity to fish later in the year when sharks are available in the North Atlantic area (see the criteria at § 635.24(a)(3)(i), (ii), (v), and (vi)). NMFS then increased the retention limit to 36 sharks per trip on July 18, 2018 (83 FR 33870), to increase fishing opportunities for all fishermen across the Atlantic region. Because the quotas we propose for 2019 are the same as the quotas in 2018, NMFS expects that the season lengths and therefore the participation of various fishermen throughout the region, would be similar

in 2019 (§ 635.27(b)(3)(ii) and (iii)). Based on the recent performance of the fishery, the January 1 opening date appears to meet the objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments (§ 635.27(b)(3)(vi)). Therefore, changing the opening date in the fishery seems unnecessary.

In addition, for the aggregated LCS and hammerhead shark management groups in the Atlantic region, NMFS proposes opening the fishing year with the commercial retention limit for directed shark limited access permit holders of 25 LCS other than sandbar sharks per vessel per trip. This retention limit should allow fishermen to harvest some of the 2019 quota at the beginning of the year when sharks are more prevalent in the South Atlantic area (see the criteria at § 635.24(a)(3)(i), (ii), (v), and (vi)). As was done in 2018, if it appears that the quota is being harvested too quickly (*i.e.*, about 20 percent) to allow directed fishermen throughout the entire region an opportunity to fish and ensure enough quota remains until later in the year, NMFS would reduce the commercial retention limits to incidental levels (3 LCS other than sandbar sharks per vessel per trip) or another level calculated to reduce the harvest of LCS taking into account § 635.27(b)(3) and the inseason trip limit adjustment criteria listed in § 635.24(a)(8). If the quota continues to be harvested quickly, NMFS could reduce the retention limit to 0 LCS other than sandbar sharks per vessel per trip to ensure enough quota remains until later in the year. If either situation occurs, NMFS would publish in the **Federal Register** notification of any inseason adjustments of the retention limit to an appropriate limit of sharks per trip. In 2018, NMFS reduced the retention limit to 3 LCS other than sandbar sharks on May 10, 2018 (83 FR 21744) when the aggregated LCS landings reached approximately 20 percent of the aggregated LCS quota, and did not need to reduce it further.

Also, as was done in 2018, NMFS will consider increasing the commercial retention limits per trip at a later date if necessary to provide fishermen in the northern portion of the Atlantic region an opportunity to retain aggregated LCS and hammerhead sharks after considering the appropriate inseason adjustment criteria. Similarly, at some point later in the year (*e.g.*, July 15), potentially equivalent to how the 2018 fishing season operated, NMFS may consider increasing the retention limit to 36 LCS other than sandbar sharks per vessel per trip or another amount, as deemed appropriate, after considering the inseason trip limit adjustment

criteria. If the quota is being harvested too quickly or too slowly, NMFS could adjust the retention limit appropriately to ensure the fishery remains open most of the rest of the year. Since the fishery is still open with a majority of the quota available, NMFS will monitor the rest of the fishing year and could make changes to the proposed 2019 opening date if necessary to ensure equitable fishing opportunities.

All of the shark management groups would remain open until December 31, 2019, or until NMFS determines that the landings for any shark management group have reached, or are projected to reach, 80-percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season, or when the quota-linked management group is closed. If NMFS determines that a non-linked shark species or management group must be closed, then, consistent with § 635.28(b)(2) for non-linked quotas (*e.g.*, eastern Gulf of Mexico blacktip, western Gulf of Mexico blacktip, Gulf of Mexico non-blacknose SCS, pelagic sharks, or the Atlantic or Gulf of Mexico smoothhound sharks), NMFS will publish in the **Federal Register** a notice of closure for that shark species, shark management group, region, and/or sub-region that will be effective no fewer than four days from the date of filing (83 FR 31677). For the blacktip shark management group, regulations at § 635.28(b)(5)(i) through (v) authorize NMFS to close the management group before landings reach, or are expected to reach, 80-percent of the available overall, regional, and/or sub-regional quota, after considering the following criteria and other relevant factors: Season length based on available sub-regional quota and average sub-regional catch rates; variability in regional and/or sub-regional seasonal distribution, abundance, and migratory patterns; effects on accomplishing the objectives of the 2006 Consolidated Atlantic HMS FMP and its amendments; amount of remaining shark quotas in the relevant sub-region; and regional and/or sub-regional catch rates of the relevant shark species or management groups. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

If NMFS determines that a linked shark species or management group must be closed, then, consistent with

§ 635.28(b)(3) for linked quotas and the Final Rule to Revise Atlantic Highly Migratory Species Shark Fishery Closure Regulations (83 FR 31677), NMFS will publish in the **Federal Register** a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than four days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years. The linked quotas of the species and/or management groups are Atlantic hammerhead sharks and Atlantic aggregated LCS; eastern Gulf of Mexico hammerhead sharks and eastern Gulf of Mexico aggregated LCS; western Gulf of Mexico hammerhead sharks and western Gulf of Mexico aggregated LCS; and Atlantic blacknose and Atlantic non-blacknose SCS south of 34° N. latitude.

Request for Comments

Comments on this proposed rule may be submitted via www.regulations.gov or by mail. NMFS solicits comments on this proposed rule by October 11, 2018 (see **DATES** and **ADDRESSES**).

Classification

The NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated Atlantic HMS FMP and its amendments, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

These proposed specifications are exempt from review under Executive Order 12866.

NMFS determined that the final rules to implement Amendment 2 to the 2006 Consolidated Atlantic HMS FMP (June 24, 2008, 73 FR 35778; corrected on July 15, 2008, 73 FR 40658), Amendment 5a to the 2006 Consolidated Atlantic HMS FMP (78 FR 40318; July 3, 2013), Amendment 6 to the 2006 Consolidated Atlantic HMS FMP (80 FR 50073; August 18, 2015), and Amendment 9 to the 2006 Consolidated Atlantic HMS FMP (80 FR 73128; November 24, 2015) are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea as required under the Coastal Zone Management Act. Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination

and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This proposed action to establish opening dates and adjust quotas for the 2019 fishing year for the Atlantic commercial shark fisheries does not change the framework previously consulted upon; therefore, no additional consultation is required.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. The IRFA analysis follows.

Section 603(b)(1) of the RFA requires agencies to explain the purpose of the rule. This rule, consistent with the Magnuson-Stevens Act and the 2006 Consolidated Atlantic HMS FMP and its amendments, is being proposed to establish the 2019 commercial shark fishing quotas, retention limits, and fishing seasons. Without this rule, the commercial shark fisheries would close on December 31, 2018, and would not open until another action was taken. This proposed rule would be implemented according to the regulations implementing the 2006 Consolidated Atlantic HMS FMP and its amendments. Thus, NMFS expects few, if any, economic impacts to fishermen other than those already analyzed in the 2006 Consolidated Atlantic HMS FMP and its amendments, based on the quota adjustments.

Section 603(b)(2) of the RFA requires agencies to explain the rule's objectives. The objectives of this rule are to: Adjust the baseline quotas for all shark management groups based on any over- and/or underharvests from the previous fishing year(s); establish the opening dates of the various management groups; and establish the retention limits for the blacktip shark, aggregated large coastal shark, and hammerhead shark management groups in order to provide, to the extent practicable, equitable opportunities across the fishing management regions and/or sub-regions while also considering the ecological needs of the different shark species.

Section 603(b)(3) of the RFA requires agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under

SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194). In this final rule effective on July 1, 2016, NMFS established a small business size standard of \$11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than \$11 million for commercial fishing.

As of October 2017, the proposed rule would apply to the approximately 221 directed commercial shark permit holders, 269 incidental commercial shark permit holders, 154 smoothhound shark permit holders, and 113 commercial shark dealers. Not all permit holders are active in the fishery in any given year. Active directed commercial shark permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Of the 490 directed and incidental commercial shark permit holders, only 28 permit holders landed sharks in the Gulf of Mexico region and only 78 landed sharks in the Atlantic region. Of the 154 smoothhound shark permit holders, only 26 permit holders landed smoothhound sharks in the Atlantic region and none landed smoothhound sharks in the Gulf of Mexico region. NMFS has determined that the proposed rule would not likely affect any small governmental jurisdictions.

This proposed rule does not contain any new reporting, recordkeeping, or other compliance requirements (5 U.S.C. 603(b)(4)). Similarly, this proposed rule would not conflict, duplicate, or overlap with other relevant Federal rules (5 U.S.C. 603(b)(5)). Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements as domestically implemented, domestic laws, and FMPs. These include, but are not limited to, the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered

Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act.

Section 603(c) of the RFA requires each IRFA to contain a description of any significant alternatives to the proposed rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of significant alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities. In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities; therefore, there are no alternatives discussed that fall under the first, second, and fourth

categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act; therefore, there are no alternatives considered under the third category.

This rulemaking does not establish management measures to be implemented, but rather implements previously adopted and analyzed measures with adjustments, as specified in the 2006 Consolidated Atlantic HMS FMP and its amendments and the Environmental Assessment (EA) that accompanied the 2011 shark quota specifications rule (75 FR 76302; December 8, 2010). Thus, NMFS proposes to adjust quotas established and analyzed in the 2006 Consolidated Atlantic HMS FMP and its amendments by subtracting the underharvest or adding the overharvest as allowable. Thus, NMFS has limited flexibility to modify the quotas in this rule, the impacts of which were analyzed in previous regulatory flexibility analyses.

Based on the 2017 ex-vessel price (Table 3), fully harvesting the unadjusted 2019 Atlantic shark commercial baseline quotas could result in total fleet revenues of \$7,184,943. For the Gulf of Mexico blacktip shark management group, NMFS is proposing to increase the baseline sub-regional quotas due to the underharvests in 2018.

The increase for the western Gulf of Mexico blacktip shark management group could result in a \$79,243 gain in total revenues for fishermen in that sub-region, while the increase for the eastern Gulf of Mexico blacktip shark management group could result in a \$9,781 gain in total revenues for fishermen in that sub-region. For the Gulf of Mexico and Atlantic smoothhound shark management groups, NMFS is proposing to increase the baseline quotas due to the underharvest in 2018. This would cause a potential gain in revenue of \$581,718 for the fleet in the Gulf of Mexico region and a potential gain in revenue of \$1,323,867 for the fleet in the Atlantic region.

All of these changes in gross revenues are similar to the changes in gross revenues analyzed in the 2006 Consolidated Atlantic HMS FMP and its amendments. The final regulatory flexibility analyses for those amendments concluded that the economic impacts on these small entities are expected to be minimal. In the 2006 Consolidated Atlantic HMS FMP and its amendments and the EA for the 2011 shark quota specifications rule, NMFS stated it would be conducting annual rulemakings and considering the potential economic impacts of adjusting the quotas for under- and overharvests at that time.

TABLE 3—AVERAGE EX-VESSEL PRICES PER LB DW FOR EACH SHARK MANAGEMENT GROUP, 2017

Region	Species	Average ex-vessel meat price	Average ex-vessel fin price
Western Gulf of Mexico	Blacktip Shark	\$0.51	\$11.03
	Aggregated LCS	0.51	12.51
	Hammerhead Shark	0.67	11.67
Eastern Gulf of Mexico	Blacktip Shark	0.62	8.22
	Aggregated LCS	0.43	13.00
	Hammerhead Shark	0.55	12.80
Gulf of Mexico	Non-Blacknose SCS	0.38	8.68
	Smoothhound Shark	1.50	1.91
Atlantic	Aggregated LCS	0.95	11.47
	Hammerhead Shark	0.41	13.91
	Non-Blacknose SCS	0.96	7.33
	Blacknose Shark	1.05	7.33
No Region	Smoothhound Shark	0.70	1.63
	Shark Research Fishery (Aggregated LCS)	0.80	12.40
	Shark Research Fishery (Sandbar only)	0.50	12.40
	Blue shark	1.40	11.44
	Porbeagle shark*	1.54	2.82
	Other Pelagic sharks	1.52	2.82

* Used other pelagic shark ex-vessel prices for porbeagle sharks ex-vessel prices since there currently are no landings of porbeagle sharks.

For this rule, NMFS also reviewed the criteria at § 635.27(b)(3) to determine when opening each fishery would provide equitable opportunities for fishermen, to the extent practicable, while also considering the ecological

needs of the different species. The opening dates of the fishing season(s) could vary depending upon the available annual quota, catch rates, and number of fishing participants during the year. For the 2019 fishing year,

NMFS is proposing to open all of the shark management groups on the effective date of the final rule for this action (expected to be on or about January 1). The direct and indirect economic impacts would be neutral on

a short- and long-term basis because NMFS is not proposing to change the opening dates of these fisheries from the status quo.

Authority 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

Dated: September 5, 2018.

Samuel D. Rauch, III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

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