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

NMFS Announces a Proposed Rule to Establish the Quotas and Opening Dates for the 2012 Atlantic Shark Commercial Fishing Season

The National Marine Fisheries Service (NMFS) announces a proposed rule that would establish quota levels and opening dates for the 2012 Atlantic commercial shark fisheries.

The proposed 2012 quotas by species and species group based on over- and underharvests are summarized in Table 1. Adjustments based on over- and underharvests depend on stock status. The proposed rule relies upon landings data reported to NMFS as of August 31, 2011. The 2012 proposed quotas for the respective shark complexes/species are subject to change in the final rule for this action, based on dealer reports received as of October 31, 2011. All dealer reports that are received by NMFS after that date will be used to adjust the 2013 quotas, as appropriate. NMFS proposes to:

- open the shark research, blacknose shark, non-blacknose SCS, blue shark, and pelagic (other than blue or porbeagle) shark fisheries on the effective date for this action (*i.e.*, on or about January 1, 2012).
- open the porbeagle fishery on the effective date for this action (*i.e.*, on or about January 1, 2012) if no more landings occur in 2011. Although the porbeagle fishery closed on August 29, 2011 (76 FR 53343), additional landings could be reported late and fishermen might mistakenly land porbeagle sharks. If overharvest continues to occur and the level reaches 60 percent or more of the 2012 base quota (1.3 mt dw; 2,988 lb dw), NMFS would not open the fishery in 2012.
- open the non-sandbar LCS fishery in the Gulf of Mexico region on March 1, 2012, taking into consideration comments received on past season rules.
- open the non-sandbar LCS fishery in the Atlantic on the effective date of the final rule implementing the Atlantic HMS electronic dealer reporting system (76 FR 37750) or July 15, 2011, whichever occurs first. This opening date would allow a small amount of the 2012 quota to be harvested when sharks are more prevalent in the South Atlantic area if the electronic dealer reporting system is operating earlier than July 15. If the season opens before July 15 and the quota appears to be harvested quickly, NMFS could reduce the commercial retention limits for a short period of time to reserve some quota for fishermen in the North Atlantic area. Depending on the available quota, NMFS could then increase the commercial retention limits later in the season (e.g., July 15, 2012).

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

The comment period for this proposed rule is open until November 30, 2011. Written comments, identified by "0648-BB36", may be submitted electronically via the Federal eRulemaking Portal http://www.regulations.gov, or sent by fax or mail to the contact information included below. All comments received are a part of the public record and will generally be posted to

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http://www.regulations.gov without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

This notice is a courtesy to the HMS fishery participants to help keep you informed about the fishery. Official notice of Federal actions is made through filing such notice with the Office of Federal Register. For further information on this proposed rule, contact Karyl Brewster-Geisz, Guý DuBeck or Jennifer Cudney at 301-427-8503. Copies of the proposed rule are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-427-8503, fax: 301-713-1917). The information will also be posted on the HMS website at: http://www.nmfs.noaa.gov/sfa/hms/.

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FOR Alan Risenhoover
Director, Office of Sustainable Fisheries

10/31/11
Date

Table 1. 2012 proposed quotas and opening dates for the Atlantic shark fisheries. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. Table includes landings data through August 31, 2011, and quotas are subject to change based on landings through October 31, 2011.

Species Group	Region	2011 Annual Quota (A)	Preliminary 2011 Landings[1] (B)	Overharvest/ Underharvest (C)	2012 Base Annual Quota[2] (D)	2012 Proposed Quota (D+C)	Season Opening Dates
Non-Sandbar Large Coastal Sharks	Gulf of Mexico	351.9 (775,740 lb dw)	327.0 (720,868 lb dw)	2.3[3] (5,167 lb dw)	390.5 (860,896 lb dw)	392.8 (866,063 lb dw)	March 1, 2012
	Atlantic	190.4 (419,756 lb dw)	79.9 (176,052 lb dw)	-4.6[4] (-10,135 lb dw)	187.8 (414,024 lb dw)	183.2 (403,889 lb dw)	Effective Date for HMS Electronic Reporting System or July 15, 2012[7]
Non-Sandbar LCS Research Quota	No regional quotas	37.5 (82,673 lb dw)	37.0 (81,627 lb dw)	-	37.5 (82,673 lb dw)	37.5 (82,673 lb dw)	On or about January 1, 2012
Sandbar Research Quota		87.9 (193,784 lb dw)	53.0 (116,706 lb dw)	-	87.9 (193,784 lb dw)	87.9 (193,784 lb dw)	
Non-Blacknose Small Coastal Sharks		314.4 (693,257 lb dw)	132.9 (292,926 lb dw)	89.0[5] (196,148 lb dw)	221.6 (488,539 lb dw)	310.6 (684,687 lb dw)	
Blacknose Sharks		19.9 (43,872 lb dw)	13.1 (28,856 lb dw)	-	19.9 (43,872 lb dw)	19.9 (43,872 lb dw)	
Blue Sharks		273 (601,856 lb dw)	7.2 (15,968 lb dw)	-	273 (601,856 lb dw)	273 (601,856 lb dw)	
Porbeagle Sharks		1.6 (3,479 lb dw)	2.4 (5,350 lb dw)	-0.9[6] (-2,083 lb dw)	1.7 (3,748 lb dw)	0.8 (1,665 lb dw)	On or about January 1, 2012[8]
Pelagic Sharks Other Than Porbeagle or Blue		488 (1,075,856 lb dw)	85.7 (188,896 lb dw)	-	488 (1,075,856 lb dw)	488 (1,075,856 lb dw)	

[1] Landings are from January 1, 2011, until August 31, 2011, and are subject to change.

[2] 2010 annual base quotas for sandbar and non-sandbar LCS are the annual adjusted base quotas that are effective from July 24, 2008, until December 31, 2012 (50 CFR 635.27(b)(1)(iii) and (iv)).

[3] NMFS proposes to adjust the 2012 quota for the Gulf of Mexico non-sandbar LCS to account for the 2.3 mt dw that was over estimated in the landings report in 2011 after the final rule establishing the 2011 quota published.

[4] NMFS proposes to adjust the 2012 quota for Atlantic non-sandbar LCS to account for the 4.6 mt dw overharvest reflected in the landings report in 2011 after the final rule establishing the 2011 quota published.

[5] NMFS proposes to adjust the 2012 quota for non-blacknose SCS to account for the 21.8 mt dw that was over estimated in the landings report in 2011 after the final rule establishing the 2011 quota published and the underharvest of 110.8 mt dw in 2011.

[6] NMFS proposes to adjust the 2012 quota for porbeagle sharks to account for the <0.1 mt dw overharvest that occurred in 2010 after the 0.1 mt dw overharvest was accounted for in the final rule establishing the 2011 quota and additional overharvest of 0.8 mt dw in 2011.

[7] NMFS proposes to open the Atlantic non-sandbar LCS quota once the HMS electronic reporting system is implemented or July 15, 2011, whichever occurs first. NMFS would closely monitor the quota to ensure equitable fishing opportunities. If the fishery opens sooner than July 15 and the quota is being taken too fast to ensure equitable fishing opportunities across the region, NMFS would reduce the Atlantic non-sandbar LCS retention limits to slow down the fishing rates.

[8] NMFS proposes to open the porbeagle fishery on January 1, 2012. If landings continue to occur and the overharvest reaches 80 percent or more of the base quota or 1.3 mt dw (2,988 lb dw), NMFS would not open the fishery.