



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 2009 Commercial Quotas for Non-Sandbar Large Coastal Shark, Sandbar Shark, Small Coastal Shark, and Pelagic Shark Fisheries

The National Marine Fisheries Service (NMFS) announces a proposed rule that would establish quota levels and the opening date for the 2009 Atlantic commercial shark fisheries

As implemented under Amendment 2 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) (73 FR 35778, corrected at 73 FR 40658), over- and underharvests of the current year are accounted for in the same region and/or fishery the following year, depending on stock status. Shark stocks that have been determined to be overfished, have overfishing occurring, or the status has been determined to be unknown, will not have underharvest carried over in the following year. Stocks that are not overfished and have no overfishing occurring will have underharvest carried over in the following year, up to 50 percent of the base quota. Blacktip sharks in the Gulf of Mexico region were determined not to be overfished with no overfishing occurring. However, blacktip sharks were placed in the non-sandbar LCS complex for the Atlantic and Gulf of Mexico regions, the status of which has been determined to be unknown. All other individual shark species, complexes, and shark species within a complex in the Atlantic and Gulf of Mexico regions have been determined to be either overfished, overfished with overfishing occurring, or have been determined to have an unknown stock status. Therefore, any underharvests from the 2008 fishing season for the different shark species and/or complexes will not be applied to the 2009 quotas.

As of September 15, 2008, no commercial Atlantic shark quotas have been exceeded during the 2008 commercial shark fishing season. The current landings data incorporate landings from January 1 through September 15, 2008. However, the sandbar and non-sandbar LCS fisheries opened on July 24, 2008, so the current landings of these species/complexes represent only approximately one month's worth of landings data. The 2009 proposed quotas for the respective shark complexes/species are subject to change in the final rule for this action, based on any potential overharvests in the 2008 season. To date, reported landings of non-sandbar LCS in the Gulf of Mexico and Atlantic regions are at 24.7 percent (96.4 mt dw) and 63.2 percent (118.6 mt dw), respectively. Within the shark research fishery, reported landings of non-sandbar LCS are at 8.8 percent (3.3 mt dw), and sandbar shark reported landings are at 30.9 percent (27.2 mt dw). SCS, blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks) are at 34.1 percent (154.7 mt dw), 0.2 percent (0.6 mt dw), 52.9 percent (0.9 mt dw), and 21.2 percent (103.5 mt dw), respectively (Tables 1 and 2). The 2009 proposed shark quotas for the different species and complexes are shown in Tables 1 and 2.

The comment period for this proposed rule is open until November 26, 2008. Written comments, identified by "0648-AX03", may be submitted electronically via the Federal eRulemaking Portal <http://www.regulations.gov>, or sent by fax or mail to the contact information included below. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example,



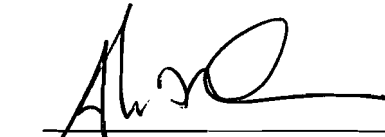
name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

This notice is a courtesy to the HMS fishery participants to help keep you informed about your 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 and its requirements, contact Karyl Brewster-Geisz at 301-713-2347 or Jackie Wilson at 240-338-3936. 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: 301-713-2347, fax: 301-713-1917). The information will also be posted on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>.

SIGN UP FOR ATLANTIC HMS NEWS

-- An electronic newsletter informing you of the latest HMS-related actions --

<http://www.nmfs.noaa.gov/sfa/hms/newslist/>



Alan D. Risenhoover
Director, Office of Sustainable Fisheries

10/28/08

Date

Table 1. 2009 proposed quotas for non-sandbar LCS and sandbar sharks for the 2009 commercial shark fishing season. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. The 2009 proposed quotas are subject to change by the final rule based on recent landings updates.

Species Group	Region	2008 Base Annual Quota ¹	80 Percent of 2008 Available Quota	Preliminary 2008 Landings ²	Overharvest	2009 Base Annual Quota	2009 Proposed Quota	Proposed Season
Non-Sandbar Large Coastal Sharks	Gulf of Mexico	390.5 (860,896 lb dw)	312.4 (688,717 lb dw)	96.4 (212,652 lb dw)	-	390.5 (860,896 lb dw)	390.5 (860,896 lb dw)	Effective date of final rule - To be determined
	Atlantic	187.8 (414,024 lb dw)	150.2 (331,131 lb dw)	118.6 (261,466 lb dw)	-	187.8 (414,024 lb dw)	187.8 (414,024 lb dw)	
Non-Sandbar LCS Research Quota	No regional quotas	37.5 (82,673 lb dw)	30.0 (66,138 lb dw)	3.3 (7,275 lb dw)	-	37.5 (82,673 lb dw)	37.5 (82,673 lb dw)	
Sandbar Research Quota		87.9 (193,784 lb dw)	70.3 (154,983 lb dw)	27.2 (59,965 lb dw)	-	87.9 (193,784 lb dw)	87.9 (193,784 lb dw)	

¹ 2008 annual base quotas are the quotas being implemented from July 24, 2008, until December 31, 2012.

² Landings are from January 1, 2008, until September 15, 2008, and are subject to change.

Table 2. 2009 proposed quotas for SCS and Pelagic Sharks for the 2009 commercial shark fishing season. All quotas and landings are dressed weight, in metric tons, unless specified otherwise. The 2009 proposed quotas are subject to change by the final rule based on recent landings updates.

Species Group	Region	2008 Annual Quota	80 Percent of 2008 Available Quota	Preliminary 2008 Landings ¹	Overharvest	2009 Annual Quota	2009 Proposed Quota	Proposed Season
Small Coastal Sharks	No regional quotas	454 (1,000,888 lb dw)	363.2 (800,710 lb dw)	154.7 (341,054 lb dw)	-	454 (1,000,888 lb dw)	454 (1,000,888 lb dw)	Effective date of final rule - To be determined
Blue Sharks		273 (601,856 lb dw)	218.4 (481,485 lb dw)	0.6 (1,224 lb dw)	-	273 (601,856 lb dw)	273 (601,856 lb dw)	
Porbeagle Sharks		1.7 (3,748 lb dw)	1.36 (2,998 lb dw)	0.9 (1,888 lb dw)	-	1.7 (3,748 lb dw)	1.7 (3,748 lb dw)	
Pelagic Sharks Other Than Porbeagle or Blue		488 (1,075,856 lb dw)	390.4 (860,676 lb dw)	103.5 (228,139 lb dw)	-	488 (1,075,856 lb dw)	488 (1,075,856 lb dw)	

¹ Landings are from January 1, 2008, until September 15, 2008, and are subject to change.