

**Summary of Comments Received During Scoping
for Amendment 2 to the Final Consolidated Highly Migratory Species Fishery
Management Plan
November 7, 2006, through February 5, 2007**

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1.0 WHY IS NMFS AMENDING THE CONSOLIDATED HMS FMP?

On October 2, 2006 (71 FR 58058), the National Marine Fisheries Service (NMFS) finalized the Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). The HMS FMP replaced and consolidated all previous plans for Atlantic tunas, swordfish, sharks, and billfish. In 2005 and 2006, several shark stock assessments were conducted, including: the 2005 Canadian porbeagle shark stock assessment, the 2005/2006 large coastal shark (LCS) stock assessment, and the 2006 dusky shark stock assessment. These assessments indicated that several shark species are overfished and/or overfishing is occurring. More information on the results of these assessments can be found in a Federal Register notice published November 7, 2006 (71 FR 65086), and in the assessments themselves, which are available via the HMS website (<http://www.nmfs.noaa.gov/sfa/hms/>) and via the Southeast Data, Assessment and Review (SEDAR) website (<http://www.sefsc.noaa.gov/sedar/>). Given the results of these assessments, changes are required via an amendment to the existing HMS FMP to implement new rebuilding plans for depleted shark stocks and ensure sustainable fisheries for other shark stocks.

2.0 WHAT WAS THE PURPOSE OF SCOPING?

The first phase in amending an FMP or in preparing an environmental impact statement (EIS) is called scoping. During scoping, the public is given an opportunity to consider and comment on all the issues related to the subject at hand that have been identified by NMFS as well as recommend additional issues for consideration during the rulemaking process. For this amendment, NMFS presented a broad range of potential shark issues. These issues included, but were not limited to options for commercial and recreational measures to rebuild sandbar, dusky, and porbeagle sharks, options for providing a sustainable blacktip shark fishery, options for managing additional shark species, options for the re-evaluation of the exempted fishing program, options for increasing compliance with HMS regulations and to improve vessel monitoring system (VMS) reporting and dealer reporting, options for improved flexibility for fishermen, and options for improvement in the Agency's ability to monitor and implement appropriate quotas. The advice and comments received during scoping are critical because they are used to identify and explore the full range of alternative approaches to future management, to define future priorities, and because it allows public involvement in the initial stages of the process, prior to analyzing, proposing, or adopting regulations.

To facilitate the process of collecting comments, NMFS released an issues and options presentation (72 FR 123, January 3, 2007), made it available on the HMS website (<http://www.nmfs.noaa.gov/sfa/hms/>), and held seven public hearings along the Atlantic and Gulf of Mexico coasts (72 FR 123, January 3, 2007). The comment period for scoping ended on February 5, 2007 (71 FR 65086, November 7, 2006).

During the scoping meetings, the public identified a number of issues and options beyond those presented in the issues and options presentation. NMFS considers the comments received when deciding which issues to include while drafting Amendment 2 to the HMS FMP. Not all

the issues raised or presented in the issues and options presentation or during scoping will be included in the Amendment 2. Some issues may be included in other future amendments; other issues may be handled outside the FMP amendment process.

3.0 WHAT WERE THE COMMENTS RECEIVED?

Below is a summary of the major comments received during scoping. Comments are categorized by major issue, but are not arranged in any particular order within a given category. The major issues include: effort controls, recent stock assessments, fisheries re-characterization, monitoring and compliance, time/area closures, and general comments. Because not all the comments received were related to the list of issues in the issues and options presentation, there is not a direct correlation between this document and the issues and options presentation. Additionally, responses to comments are not included in this document. Rather, the comments themselves will aid in developing the draft Amendment and proposed rule documents, both in prioritizing the types of issues to be addressed and in the analyses of the alternatives themselves.

3.1 Effort Controls

Comment 1: NMFS received several general comments pertaining to the current effort in the commercial shark fishery, including:

- quotas for all shark fisheries should be cut by 50 percent this year (2007), and by 10 percent each year thereafter;
- the overall LCS and small coastal shark (SCS) quotas should be reduced by 25 to 50 percent every year over a five year period until there is no longer a directed fishery;
- a closely managed indirect fishery could persist with minimal environmental impact;
- NMFS should consider reducing the soak time of longliners to reduce dead discards on all pelagic longline (PLL) and bottom longline (BLL) vessels to a four or five hours maximum;
- the commercial shark fishing fleet should be reduced to fit the available quota, additional restrictions will only put the industry out of business, and
- circle hooks should be required throughout the commercial fleet.

Comment 2: The Agency received several comments regarding changes to the current shark management regime, including:

- due to tremendous effort put forth by the commercial shark fishery, protected species interactions and associated mortalities are declining;
- it is time for NMFS to step up to the plate and keep the shark fishery alive;
- keep the quotas at the status quo and re-examine the science of the recent LCS stock assessment;
- NMFS has got to listen to the fishermen;
- circle hooks work very well in the bottom longline fishery, and NMFS should require them across the board;
- NMFS must cap and control shark discards by setting and enforcing real limits on bycatch;

- the most important management need at this time is to prevent overfishing by controlling shark landings and bycatch mortality;
- the current use of fishery closures when a target landings quota is met fails to prevent overfishing, because mortality from high levels of bycatch of many shark species occurs in other fisheries;
- NMFS should promulgate less restrictive management regulations;
- some of the shark species NMFS manages are also found in international waters; however, other nations do not protect sea turtles the way that the U.S. fishery does; and,
- NMFS should be more supportive of its own fishing industry and help protect U.S. fishermen against foreign exploitation.

Comment 3: NMFS received a number of comments opposing the continued existence of a commercial shark fishery, including:

- commercial harvest of sharks should not be allowed;
- almost all shark species are at or near an overfished status;
- many species are endangered, and some are close to that classification;
- the extended length of time required for sharks to mature and reproduce, coupled with the fact that they have few offspring once mature, necessitates immediate action to rebuild stocks;
- commercial harvest of any shark species will result in a failure to rebuild these stocks; it is necessary to put an end to the commercial shark fishery, but it needs to be done with credibility, with the best science available, and in a manner that is not controversial;
- if commercial interests are allowed to dictate policy and quotas, shark species will be extinct in a few years;
- there should be a ban on all catching or killing of sharks; what is in the sea belongs to every single American citizen;
- the continued decimation of sharks and pelagic species is the root of fishery problems; and,
- all commercial harvest of any shark species needs to be eliminated, not sustained or increased.

Comment 4: NMFS received several comments regarding interactions with dusky sharks, including:

- the fishermen need bait that will target specific sharks;
- discarding dusky sharks when they are brought back to the boat dead is a waste;
- if there is an observer on board, the fishermen should be allowed to retain dead dusky sharks; however, a bag limit should be established on such retention; and,
- NMFS needs to consider the example of the dusky shark, where a few decades of overfishing will take centuries to repair.

Comment 5: Stockpiling of quota is always a bad idea, especially for sharks. If the stockpile of quota is harvested in a single year, it could have negative impacts on sharks of that year class.

Comment 6: NMFS received numerous comments regarding recreational shark fisheries, including:

- if the recreational sector cannot identify the species they are landing, then their limits should be reduced;
- recreational shark fisheries should be monitored more effectively;
- shark fishing is not a major recreational activity in Louisiana;
- sharks are caught mostly as bycatch in recreational fisheries, and are rarely kept; a slot limit for recreational shark fisheries will not work;
- an increase in the minimum size is okay; it does not matter what size shark the recreational fishermen catch;
- minimum size limits encourage regulatory discards;
- recreational fishermen do not catch a lot of sharks; it is a waste of time to discuss recreational shark management measures;
- recreational shark fishermen would be better off having a bag limit than a quota, because the season would last longer;
- recreational shark fishermen should be required to attend shark identification workshops, if commercial fishermen have to attend;
- recreational fishermen land miniscule amounts of sharks but these shark landings provide great economic benefits, especially those that occur in tournaments; and,
- having open and closed seasons for recreational fisheries is a bad idea because it is very complex to enforce them.

Comment 7: Emergency measures should be taken to reduce the harvest of sandbar sharks and/or quota adjustments should be made for this species.

Comment 8: NMFS should not encourage the fishery to focus on blacktip sharks; this will only lead to this population becoming overfished in the near future.

3.2 Recent Stock Assessments

Comment 9: NMFS received comments regarding the recent stock assessments and the impacts these will have on the commercial fishing industry, including:

- the LCS stock assessment is driving the commercial shark fishing industry out of business without providing any solutions on how to mitigate the negative economic impacts;
- NMFS needs to revisit the recent sandbar and dusky shark stock assessments and have them independently reviewed by a third party; if commercial fishermen are challenging the data used and the results of the LCS assessment, NMFS should verify these results before they enact measures that take away peoples jobs;
- I have strong reservations about the manner in which the SEDAR 11 (LCS) stock assessment was conducted, the integrity of the LCS database, LCS modeling, and potential HMS management decisions;
- the stock assessment is flawed; sharks migrate, which means that Mexico and Honduras are catching our sharks;
- does NMFS have the authority to track landings that originate in the high seas;

- the dusky and sandbar assessments should be re-run using the shark fishing industry data that has previously been excluded;
- the assessment did not use the largest data set available and used catch-rate series and biological parameters that were inappropriate. Bottom longline observer program data indicate that sandbar catch rates are consistent across recent years, and contradicts the model output, which indicates a steady decline in sandbar biomass over the same period of time;
- if NMFS relies on the technically flawed LCS assessment to formally determine that the sandbar stock is overfished and overfishing is occurring, a legal process will begin that will require a severe reduction in total allowable catch (TAC) equivalent to closing the fishery. Data is being withheld from NMFS that would provide critical data about age, size, and sex of sandbar sharks. The commercial shark fishing industry feels that both the refusal to share this vital data, and NMFS acceptance of the situation, is a purposeful attempt to hurt the shark fishing industry; commercial shark fishermen are catching the same size sandbar shark that they did 20 years ago. The sandbar shark stock is not as bad as the assessment indicates;
- NMFS claims that sandbar sharks are overfished and the industry is currently catching more juveniles than adults; this is not true because the majority of fins received are from adult sandbars; shark fin dealers have a lot of good science on sharks that they have tried to share with the Agency, but it has been continually ignored; and,
- NMFS must resolve the lack of confidence in the data that is currently being used to make crucial management decisions. This issue transcends the Atlantic commercial shark fishery.

3.3 Time/Area Closures

Comment 10: NMFS received several comments regarding time/area closures, including:

- closed areas should be created in critical habitat areas, such as nursery grounds;
- NMFS should work with Atlantic States Marine Fisheries Commission (ASMFC) to ensure these habitats are protected in state waters; and,
- NMFS should not make changes to the closure bordering North Carolina without a thorough analysis of the impacts on dusky and sandbar sharks. Options for additional time/area closures should be an integral part of Amendment 2. A time/area closure for bottom longline gear should be considered southwest of Key West, Florida to protect smalltooth sawfish and reduce bycatch of this species. NMFS needs to actively fund research on shark essential fish habitat; and,
- the South Atlantic Fishery Management Council requests that NMFS consider implementing complementary closures for bottom longline gear as described in Amendment 14A to the Snapper Grouper Fishery Management Plan.

3.4 Monitoring and Compliance

Comment 11: NMFS received a number of comments pertaining to monitoring and compliance with the Atlantic commercial shark quota, including:

- why was the shark fishery so good last year (2006) that the LCS fishery went so far over the quota as to only have a two week fishery this year (2007);
- NMFS needs to fix its problems with quota monitoring, which includes calculating the shark landings correctly, and providing information to fishermen in a more timely manner;
- NMFS has killed the commercial shark fishing industry by over-riding the quotas and failing to make courtesy phone calls to dealers that failed to report;
- had NMFS started making calls within two weeks, the 2006 fishery may not have experienced overharvests equivalent to several years of quota, which resulted in various closures and is putting commercial shark fishermen out of business;
- NMFS has failed to collect the appropriate data, resulting in unidentified sharks (which can include SCS) being counted against the LCS quota;
- why are all unknown sharks classified as LCS?;
- the overharvest of the commercial shark quotas during 2006 may be a remnant of the three-season approach in the FMP; this is most likely a problem in the Florida Keys where the dividing line is located between the Gulf of Mexico and the South Atlantic;
- it looks like the SCS quota in the Gulf of Mexico may not be large enough; and,
- the Gulf of Mexico has no SCS fishing season because NMFS failed to monitor the commercial shark quota.

Comment 12: The current shark management plan is too complicated. Local Florida enforcement officials have a difficult time understanding it.

Comment 13: The Agency received a variety of comments pertaining to compliance with HMS regulations and outreach efforts, including:

- if the fishermen are required to report more frequently via VMS, who is going to pay for this?;
- recreational anglers have a difficult time identifying sharks;
- NMFS should send identification guides to all permit holders, or at the very least, provide information on how to obtain identification guides;
- NMFS needs to do a better job with outreach on recreational measures, such as flyers at tackle shops and shark tournaments and magazine articles;
- NMFS should put together a one-page identification guide showing fishermen the difference between sandbar and dusky sharks;
- numerous shark dealers record the entire weigh-out slip as blacktip sharks even if there were sandbar sharks or other species that made up the load;
- the assessment and quota monitoring may be flawed because I have changed my logbook to reflect what the dealer said he bought from me, even if I landed other species because dealers will mark everything as blacktip sharks; and,
- as NMFS puts more people out of business, more vessels are going to start fishing in the Bahamas where there is not active management.

Comment 14: NMFS received several comments concerning the observer program, including:

- the observer program may not always provide accurate data;
- I am sometimes required to carry an observer when I am going on a 14-day grouper trip, but I am not catching sharks during these trips;
- inadequate observer coverage hinders efforts to monitor and evaluate the extent of bycatch;
- increased port monitoring, and increased observer coverage should be required;
- NMFS could provide incentives for carrying observers, such as increased retention limits to offset the cost of carrying an observer; and,
- NMFS should also be more careful when selecting observers because some of them get sea sick.

3.5 Fishery Re-Characterization

Comment 15: NMFS received numerous comments supporting the commercial shark buy-out plan and one comment opposing the buyout plan, including:

- permits should be bought back instead of buying specific vessels out of the fishery;
- NMFS needs to include a formal discussion regarding a shark buyout at the March 2007 Advisory Panel meeting, and a buyout plan should be an integral part of Amendment 2;
- NMFS needs to find funding to purchase active or inactive directed shark permits from those participants that wish to leave the fishery, with the permit value being based on the maximum annual shark landings since 1999; the buyout plan is based on a 3 million pound LCS quota.
- the buyback should be tailored to compensate the economic losses of the person being bought out; and,
- a buyout of shark permit holders would do nothing for shark dealers.

Comment 16: NMFS received a number of comments pertaining to the HMS exempted fishing permitting program, including:

- the display quota needs to be revised, and NMFS should consider moving part of this quota elsewhere;
- the impact from shark display permits is minimal;
- the research and display quota set-aside has not been a factor in the decline of sandbar sharks;
- the display and research quota represents approximately 0.5 percent of the commercial quota, and NMFS data shows that this quota has never been approached;
- NMFS continually states in their annual Federal Register announcements that the display quota, even if fully harvested, will have a minimal impact on the stocks;
- sandbars are one of the few species that are exceptionally hardy and do very well in closed aquarium environments;
- 150 million people visit accredited zoos and aquariums in the United States alone;
- restricting the sandbar quota or eliminating them from aquariums would be detrimental to the educational programs that a successful FMP should have;

- limited harvest of these species is required each year to replace incidental mortality in aquariums;
- NMFS needs to make sure that conservation and education are not unfairly impacted by reducing EFP allotments that may be given to sandbar and sand tiger sharks;
- there should be a temporary prohibition on issuing EFPs for dusky sharks until a better assessment can be made; and,
- the current LCS stock assessment is being questioned by the industry; until that issue is adequately addressed, reductions in EFP allotments are unfounded and unneeded.

Comment 17: NMFS received comments regarding shark gillnet fisheries, including:

- NMFS should officially reduce the gillnet fleet down to the five boats that are currently active and implement a gillnet endorsement for these vessels;
- NMFS should make the gillnet fishery limited access because the vessels from other fisheries may start getting involved in this fishery, pushing traditional participants out;
- historically, gillnet fishermen do not target sandbar sharks; the majority of gillnet vessels use strike gillnets for blacktip sharks; and,
- bycatch in this fishery is low, because our ability to target certain species is very good. Sea turtle takes have been down in the gillnet fishery, and marine mammal takes are way down.

Comment 18: NMFS received a variety of comments regarding the species complexes, the status of shark species, and the need to reclassify certain shark species, including:

- deepwater shark species commonly encountered in the U.S. Exclusive Economic Zone (EEZ) should be added to the prohibited species list following consultation with the appropriate scientists. The precautionary principle dictates that deep water sharks should not be exploited until adequate scientific information is available;
- it is not feasible to consider management options for deepwater sharks at this time;
- deepwater sharks are targeted for their liver oil and meat;
- the potential interest in fishing for deepwater species warrants their inclusion in an ecosystem based management plan;
- the United States is not a significant player in the porbeagle shark fishery. Currently the majority of landings are recreational, which equate to very minimal landings;
- NMFS should find out what steps Canada is taking before considering moving porbeagle sharks to the prohibited species management group;
- NMFS should work closely with the U.S. Fish and Wildlife Service to ensure porbeagle sharks are considered for Appendix II of CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna);
- NMFS should implement an emergency action to eliminate the commercial quota for porbeagle sharks until appropriate trade restrictions are in place;

- porbeagle sharks are one of the species caught and landed in tournaments in the Northeast United States, and are occasionally targeted by recreational fishermen going after “big game fish” in those waters;
- if NMFS lists porbeagle sharks as threatened or endangered under the Endangered Species Act (ESA), that would shut down a lot of other fisheries;
- due to the inherent vulnerability of finetooth sharks, and the lack of progress in making efforts to end overfishing, NMFS needs to add finetooth sharks to the prohibited species management unit;
- based on proposals submitted for listing under the IUCN (World Conservation Union) red list, NMFS should consider placing all three species of hammerheads, silky sharks, and oceanic whitetip sharks on the prohibited species list;
- NMFS has not yet mentioned management measures for blue or shortfin mako sharks; fishermen should not be faced with drastic measures for these species at the proposed rule stage;
- NMFS may want to consider including smooth dogfish in the small coastal shark (SCS) management unit;
- smooth dogfish is essentially unregulated at this time. Someone, either NMFS or one of the Regional Fishery Management Councils needs to take control of the management of this species.
- nurse sharks should be removed from the LCS unit to prevent inappropriate harvest for “pets”;
- nurse sharks currently have no commercial purpose for harvest other than for public display;
- commercial shark fishermen are opposed to managing sharks in large complexes; and,
- managing sharks as a group is probably flawed; analyzing each species separately would be more appropriate.

Comment 19: NMFS received a variety of comments regarding sandbar, dusky, and blacktip shark fisheries, including:

- NMFS should manage by species, but separating LCS and blacktip sharks by regions will not work.
- blacktip sharks should be managed as one species/population and not split between the Gulf of Mexico and Atlantic Ocean;
- it is possible to have a viable blacktip fishery in the Gulf of Mexico- there are ways to target blacktip sharks.
- blacktip sharks are close to being recovered and should be moved to the SCS complex;
- fishermen can easily target blacktip sharks behind shrimp trawlers;
- typically shark fishermen do not catch a lot of sandbar sharks where blacktip sharks are abundant; fishermen can target blacktip sharks without a lot of bycatch;
- sandbar sharks and blacktip sharks should be separated from the LCS group for management purposes;
- NMFS should not eliminate the sandbar shark fishery, there needs to be a sustainable fishery for this species;

- shark fishermen can release undersized dusky and sandbar sharks; NMFS should investigate the survivability rate of these species;
- there is concern that since the recent stock assessment recommends reduced landings of sandbar sharks that the Agency and environmental organizations will move to shut it down entirely;
- elimination of the sandbar fishery will help control landings of dusky sharks;
- the sandbar shark fishery is the shark fishery;
- commercial fishermen know that fishing for sandbars is getting better;
- dusky sharks are caught more as bycatch in the PLL fishery; and,
- dusky sharks should be taken out of the prohibited species management unit, they are very abundant in Delaware Bay during the summer.

Comment 20: NMFS received comments regarding timing of shark fishing seasons, including:

- NMFS should make openings in the shark fishery coincide with closures in the grouper fishery so that there is the opportunity to catch sharks between grouper closures;
- regarding the first season of 2007, it would have been much better to open the season during March than the beginning of January; it is not safe to fish for sharks in the Gulf of Mexico during January if you have a small boat;
- NMFS needs to open the shark season when sharks are off the coast of North Carolina; and,
- NMFS should stagger openings and closure of the shark fishery between seasons and regions to ensure that the Gulf of Mexico is open at different times than the South Atlantic.

Comment 21: The LCS fishery can not continue to be managed and assessed as a complex of species.

3.6 General Comments

Comment 22: NMFS received a variety of comments pertaining to local abundances of certain shark species, including:

- there is not much interest in LCS in the Manahawkin, New Jersey area. There are very few directed shark boats that deal with a limited number of LCS; Around the rips and on the edges of the currents, you used to see a lot of big fish about 40 to 60 miles out in the Gulf of Mexico.
- from 1986 to 1988, the first longliners began to appear off Louisiana. Now, there are not anywhere near as many big fish; white marlin and big sharks have especially declined.
- there used to be more big fish in the Gulf of Mexico than anywhere else in the world; when the longliners started fishing here, it only took one to two years to wipe out the big fish in the Gulf of Mexico;
- in the past five to seven years, we have been seeing more pelagic sharks;
- very few sandbars are caught in New Jersey; however, this is related to relative fishing pressure, not the abundance of this species;

- LCS species other than sandbar, such as bull sharks, tiger sharks, and hammerheads, are not abundant enough nor have the marketability to support a commercial fishery;
- there seems to be a high density of sharks in the coastal waters near the mouth of the Mississippi River, which including small to medium hammerheads, spinner sharks, and blacktip sharks; and,
- shark stocks in the coastal waters of Louisiana are rebuilding, but there does not seem to be as many large sharks as there were before longlining began in the mid-1980s. Shark numbers are disproportionately higher now; however, large sharks are less frequently seen.

Comment 23: Amendment 2 to the HMS FMP should include and update the bycatch of sharks associated with the Gulf of Mexico shrimp and menhaden fisheries. These fisheries are regularly mentioned in documents produced by NMFS, yet no actions have been taken to mitigate bycatch in these fisheries.

Comment 24: NMFS should take a more proactive stance towards fishery management rather than the reactive approach that they have been using.

Comment 25: This amendment needs to include goals, timetables, and milestones toward conserving sharks and their habitats. The amendment and associated EIS needs to consider the special role most sharks play as top predators, the ecosystem effects of depleted shark populations on marine ecosystems, and the inability of most shark species to withstand heavy fishing pressure. NMFS should consult the publications *Incorporating Biodiversity Considerations into Environmental Impact Analysis under the National Environmental Policy Act* and *Considering Cumulative Effects* when preparing the EIS for this amendment.

Comment 26: NMFS received a few comments regarding the Shark Dealer Identification workshops, including:

- the Shark Identification Guide that NMFS produced is a great resource;
- it is hard to identify sharks, that guide could help to reduce the amount of unclassified shark landings; and,
- maybe fishermen should also be required to attend the shark identification workshops, because they are the ones that kill and land the fish.

Comment 27: During the past few years, numerous Federal regulations have reduced commercial fishing time, areas, and/or quotas for seafood fishing communities. The collective economic and social impact is not being measured accurately by NMFS or the Regional Fishery Management Councils. NMFS also needs to evaluate the cumulative impacts of restrictions that are being implemented in snapper-grouper, reef fish, and tilefish fisheries in the Gulf of Mexico and South Atlantic regions. This is NMFS' responsibility as they are the last safeguard check in the socio-economic impact evaluation.

Comment 28: NMFS received some comments regarding current economic burdens on the commercial shark fishery, including:

- NMFS is causing additional economic strain on the commercial shark fishery by requiring fishermen to buy VMS and attend various Agency sponsored workshops. These requirements cost the fishermen a lot of money, but the fishermen are not making a lot of money in the commercial shark fishery;
- NMFS has lost sight of the importance of resource availability to the fishing community; and,
- NMFS must analyze the cumulative negative impacts the commercial shark fishery is dealing with, including shut-downs in the grouper fishery and the closure of DeSoto Canyon.

Comment 29: The Agency received two comments regarding conflicts between State and Federal regulations in the shark fishery: There is a disconnect between Federal regulations and State regulations regarding shark fisheries; and, why do some states allow dusky shark landings?

Comment 30: Research priorities related to shark fisheries should include: life history and population dynamics for stock assessments, determination of essential fish habitat for all managed species, species specific discard mortality and post-release survivorship, and tagging studies to investigate stock structure, distribution, growth, and movement of shark species.

Comment 31: There is a lot of talk about ecosystem management these days. Sharks are predators. In order to manage a whole ecosystem, you have to have some harvest of sharks. Otherwise, they will eat all of the other valuable fish that people like to eat like groupers, snappers, *etc.*

4.0 WHO SUBMITTED COMMENTS?

The following is a list of people who submitted written comments on the Notice of Intent (NOI) for Amendment 2 either via e-mail, fax, mail, or during a public scoping meeting. The above summary includes comments that were given during a public scoping meetings; however, if someone attended a public scoping meeting, but did not submit written comments, then his/her name is not listed below.

- | | | |
|----|-----------|------------------------------------|
| 1) | 11/7/2006 | Barbara Sachau |
| 2) | 1/1/2007 | David Nava |
| 3) | 1/1/2007 | Paul Schmidt |
| 4) | 1/1/2007 | Andrew Siegel |
| 5) | 1/1/2007 | Domenic Petrarca, Coastal Charters |
| 6) | 1/1/2007 | Bradley Mills, NBS Sportfishing |
| 7) | 1/2/2007 | Kevin Kiss |

- 8) 1/3/2007 Barbara Sachau
- 9) 1/3/2007 Ryan Burnett
- 10) 1/4/2007 Anthony Orlando
- 11) 1/15/2007 Russel Hudson, Directed Shark Fisheries, Inc.
- 12) 1/23/2007 Mark Harrison
- 13) 1/29/2007 Robert Spaeth, Southern Offshore Fishing Association
- 14) 1/31/2007 Jeff Olean
- 15) 1/31/2007 Jack S. Hobbs
- 16) 2/1/2007 Anna Almonson
- 17) 2/1/2007 Robert A. West
- 18) 2/1/2007 Dewey Hemlright
- 19) 2/1/2007 Forrest Young, Dynasty Marine Associates
- 20) 2/2/2007 R.B.O. Harrison
- 21) 2/2/2007 Sprague Stetson
- 22) 2/2/2007 Jamie Horning
- 23) 2/2/2007 Irving Horning
- 24) 2/2/2007 Tena Stetson
- 25) 2/2/2007 Steven Gage
- 26) 2/2/2007 Phillip T. Williams
- 27) 2/2/2007 Darin L. O'Neal, Jr.
- 28) 2/2/2007 Robert Hawell
- 29) 2/2/2007 Wallace Sheltan
- 30) 2/2/2007 Troy Dahise
- 31) 2/2/2007 William L. Malz
- 32) 2/2/2007 Mark Vradlin

- 33) 2/2/2007 Rich Vradlin
- 34) 2/2/2007 James S. Taylor
- 35) 2/2/2007 Brian Williams
- 36) 2/2/2007 Kim Miller
- 37) 2/2/2007 Chris Hicksman
- 38) 2/2/2007 T. Jerry Williams
- 39) 2/2/2007 Joseph Choromanski, Ripley Aquariums
- 40) 2/2/2007 Michael Hirshfield, Oceana
- 41) 2/2/2007 Tobey Curtis
- 42) 2/3/2007 Robert Knapp
- 43) 2/3/2007 Steven Ruble
- 44) 2/3/2007 James D. Busse
- 45) 2/3/2007 Lance Montague, Jr.
- 46) 2/3/2007 Barry Stetson
- 47) 2/3/2007 Just Right Marine
- 48) 2/3/2007 Capt. James Miller
- 49) 2/3/2007 Jacob B. Ball
- 50) 2/3/2007 Brian Erpelding
- 51) 2/3/2007 Tom Farrlow
- 52) 2/3/2007 Eric Ambrasse
- 53) 2/3/2007 Kory Erpelding
- 54) 2/3/2007 Lance Montague, Sr.
- 55) 2/3/2007 Megan Calo
- 56) 2/3/2007 Daveid E. Rogers, Jr.
- 57) 2/3/2007 Woddy Prysmouth

- 58) 2/3/2007 Patrick G. Cobbs
- 59) 2/3/2007 Ryan Mitchell
- 60) 2/3/2007 Faroh Daerzs
- 61) 2/3/2007 William Patrick Byrd
- 62) 2/3/2007 Keith Luces
- 63) 2/3/2007 Robert Tedaick Douglas
- 64) 2/3/2007 Orman L. Mann, Jr.
- 65) 2/3/2007 Marcas Danchese
- 66) 2/3/2007 Ball Falson
- 67) 2/3/2007 Lornal Daniels
- 68) 2/3/2007 Allen T.
- 69) 2/3/2007 Harley Hayes
- 70) 2/3/2007 Lucy Fistt
- 71) 2/3/2007 Joseph Montague
- 72) 2/3/2007 Carrol Fillest
- 73) 2/3/2007 Kyle Miller
- 74) 2/3/2007 Jay S. Vamils
- 75) 2/3/2007 Bill Brown
- 76) 2/3/2007 Jamie H. Brown
- 77) 2/3/2007 William B. Dolan, IV
- 78) 2/3/2007 Tyler Scott Fraser
- 79) 2/3/2007 Oram L. Mar
- 80) 2/3/2007 Randy Midget
- 81) 2/3/2007 Corey C. Mitchell
- 82) 2/3/2007 Jenna Erpelley

83)	2/3/2007	Erica Barnhart
84)	2/3/2007	Heather Burnhart
85)	2/3/2007	Jim Horning
86)	2/3/2007	Andy High
87)	2/4/2007	Scott Rauch
88)	2/4/2007	Sam Dough
89)	2/4/2007	Shannon Olsen
90)	2/4/2007	Gary Beachom
91)	2/4/2007	Lynda Gallop
92)	2/4/2007	Mya Erpelding
93)	2/4/2007	Capt. Warren Gallop
94)	2/4/2007	Lisa Ayres
95)	2/4/2007	Kathy Montague
96)	2/4/2007	Christine Spirelli
97)	2/4/2007	Mickey Daneib
98)	2/4/2007	Linda B. Daniels
99)	2/4/2007	Colby S. O'Neal
100)	2/4/2007	Charlie Dunn
101)	2/4/2007	William Etheridge
102)	2/4/2007	A.M. Daniels
103)	2/4/2007	Darrel Clark
104)	2/4/2007	Renee H. Hayes
105)	2/4/2007	Steven Dijen
106)	2/4/2007	Ross Falson
107)	2/4/2007	Matt Furt

108)	2/4/2007	Jamie Wescott
109)	2/4/2007	Peter Kremser
110)	2/4/2007	Karen Kremser
111)	2/4/107	Benjamin S. O'Neal, Jr.
112)	2/5/2007	Doghouse Sport Fishing
113)	2/5/2007	R. Dapeit
114)	2/5/2007	Andrew Berry
115)	2/5/2007	Benjamin Gibbs III
116)	2/5/2007	Rachael O'Neal
117)	2/5/2007	John R. Alley
118)	2/5/2007	H. Williams
119)	2/5/2007	Roger Rucher
120)	2/5/2007	Brian B. Reun
121)	2/5/2007	Dargn
122)	2/5/2007	Melissa Foster
123)	2/5/2007	Sarah B. Caudill
124)	2/5/2007	Cynthia G. Seigel
125)	2/5/2007	Woody Montague
126)	2/5/2007	Sgt. Sam Ball
127)	2/5/2007	Rickey Horne
128)	2/5/2007	Heather Bridges
129)	2/5/2007	Brenda Swain
130)	2/5/2007	Tracy Dayne
131)	2/5/2007	Matthew Midget
132)	2/5/2007	Billy G. Midget

- 133) 2/5/2007 Ray Giannantoni
- 134) 2/5/2007 Stephan G. Basought
- 135) 2/5/2007 Greg Haines
- 136) 2/5/2007 Brady McPherson
- 137) 2/5/2007 Ali R. Hart
- 138) 2/5/2007 David Saunders
- 139) 2/5/2007 Cary O. Gills
- 140) 2/5/2007 Glen Hopkins
- 141) 2/5/2007 Sonja Fordham and Coby Dolan, The Ocean Conservancy
- 142) 2/5/2007 Steve Olson, American Zoological Association
- 143) 2/6/2007 Michael Wavereley

5.0 WHAT HAPPENS NOW?

As described in Section 2.0, scoping is the first phase in the EIS/FMP amendment process. NMFS has been considering all the comments received during scoping, prioritizing which issues will be addressed in Amendment 2 or future rulemakings, and preparing a PreDraft, which will outline the alternatives that are preliminary being considered for Amendment 2. After the PreDraft has been released, NMFS will prepare a draft EIS/FMP amendment and proposed regulations.

Once the proposed rule and draft EIS/FMP amendment are released, there is a second comment period where the public has an opportunity to comment on the draft EIS/FMP amendment and proposed regulations. At the end of that second comment period, NMFS will consider those comments and prepare the final EIS/FMP amendment. When the final EIS/FMP amendment is released, there is a third, shorter review period on the EIS alone. At the end of that final review period, NMFS will publish a final rule based on the final EIS/FMP amendment. An outline of this process is shown in Table 1.

For Amendment 2, NMFS anticipates the final regulations to be effective in early 2008. Preliminarily, NMFS expects to release the proposed regulations and draft Amendment in the summer of 2007 and the final regulations in late fall/early winter of 2007. This schedule could change depending on the number of issues that are handled in Amendment 2 and other priorities within NMFS.

Table 1 Summary of the Steps in the EIS/FMP Amendment Process

1. Scoping/Initial Public Comment	A. Notice of Intent	Completed (November 7, 2006, 71 FR 65086)
	B. Release of issues and options presentation	Completed (January 3, 2007, 72 FR 123)
	C. Hold public meetings	7 meetings held; Completed
	D. End of comment period	February 5, 2007; Completed
2. Draft EIS/FMP Amendment and Proposed Rule	A. Consider comments received in scoping	<i>In process</i>
	B. PreDraft	Distributed week of March 5, 2007
	C. Draft documents	Expected Summer 2007
	D. Publish proposed rule and Notice of Availability in <u>Federal Register</u>	
	E. Hold public meetings	
	F. End of comment period	
3. Final EIS/FMP Amendment	A. Consider comments received on draft documents	Expected late Fall 2007
	B. Finalize documents	
	C. Publish Notice of Availability in <u>Federal Register</u>	
	D. End of review period	
4. Final Rule	A. Consider comments received on draft documents and Final EIS/FMP Amendment	Expected early Winter 2007
	B. Finalize document and responses to comments	

	C. Publish rule in <u>Federal Register</u>	
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