



NMFS ANNOUNCES PROPOSED RULE TO ADJUST THE 2009 NORTH AND SOUTH ATLANTIC SWORDFISH QUOTAS, PERFORM ADMINISTRATIVE REGULATORY CLARIFICATIONS AND MODIFICATIONS, AND MODIFY AND IMPLEMENT TIME/AREA CLOSURES

Swordfish Quotas

This proposed rule would adjust the North and South Atlantic swordfish quotas for the 2009 fishing year (January 1, 2009, through December 31, 2009) to account for underharvests in 2008, and to transfer 18.8 metric tons (mt) dressed weight (dw) to Canada per the 2006 and 2008 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations 06-03 and 08-02. The 2009 North Atlantic swordfish baseline quota is 2,937.6 mt dw. The total North Atlantic swordfish underharvest for 2008 was 2,692 mt dw, which exceeds the maximum carryover cap of 1,468.8 mt dw, established in ICCAT recommendation 06-02, and renewed in 08-02. Therefore, NMFS is carrying over the capped amount per the ICCAT recommendation. Thus, the baseline quota plus the underharvest carryover maximum of 1,468.8 mt dw equals an adjusted quota of 4,406.4 mt dw for the 2009 fishing year (Table 1).

The 2009 South Atlantic swordfish baseline quota is 75.2 mt dw. The total South Atlantic swordfish underharvest for 2008 was 150.4 mt dw, which exceeds the maximum carryover cap of 75.2 mt dw, established in ICCAT recommendation 06-03. Therefore, NMFS is carrying over the capped amount per the ICCAT recommendation. As a result, the baseline quota plus the underharvest carryover maximum of 75.2 mt dw equals an adjusted quota of 150.4 mt dw for the 2009 fishing year (Table 1).

Administrative Regulatory Modifications and Clarifications

In addition to adjusting the North and South Atlantic swordfish quotas, NMFS is also proposing the following five administrative modifications and clarifications to the regulations: 1) clarifying minimum size requirements for whole and dressed swordfish; 2) issuing “participant certificates” at shark identification workshops to attendees that do not have a dealer license; 3) requiring that any dead bycatch in the pelagic longline fishery be brought on board, at the observer’s request, for biological sampling; 4) requiring that any changes in information from the application for Atlantic Tuna Longline Limited Access Permit be requested in writing; and 5) clarifying the information that is to be included on consignment documents for the importation of Atlantic, Pacific and Southern bluefin tuna, frozen bigeye tuna, and swordfish.

Adjustment and Implementation of Time/Area Closures in the Gulf of Mexico

Under current regulations (50 CFR 635.21 (a)(4)(ii) – (iv)), the Madison-Swanson and Steamboat Lumps time/area closures within the Gulf of Mexico are set to expire on June 16, 2010. The proposed rule would eliminate this sunset provision and prevent expiration of the time/area closures on June 16, 2010, consistent with the Gulf of Mexico Fishery Management Council (GOMFMC) regulations. Additionally, this proposed rule would establish a time/area closure in the northwestern Gulf of Mexico called the “Edges 40 Fathom Contour,” at the request of GOMFMC. The boundaries of this closure are defined by the coordinates: NW = 28° 51'N, 85° 16'W; NE = 28° 51'N, 85° 04'W; SW = 28° 14'N, 84° 54'W; SE = 28° 14'N, 84° 42'W.



Two public hearings are scheduled: Monday, August 24, 3-5 p.m., National Oceanic and Atmospheric Administration, SSMC III, Room 1311B, 1301 East West Highway, Silver Spring, MD 20910; and Wednesday, August 26, 6:30-8:30 p.m., Madeira Beach Town Hall, 300 Municipal Drive, Madeira Beach, FL 33708.

The comment period for this proposed rule is open until September 4, 2009. Written comments, identified by "0648-AX07", 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 (e.g., 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.

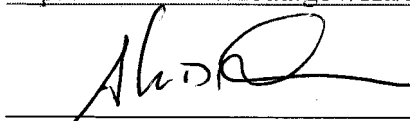
Table 1. Landings and Quotas for the Atlantic Swordfish Fisheries (2005 – 2009).

North Atlantic Swordfish Quota (mt dw)		2005	2006	2007	2008	2009
Baseline Quota		2,937.6	2,937.6	2,937.6	2,937.6	2,937.6
Quota Carried Over		3,359.1	4,691.2	1,468.8	1,468.8	1,468.8
Adjusted quota		6,296.7	7,628.8	4,406.4	4,406.4	4,406.4
Quota Allocation	Directed Category	5,895.2	7,246.1	3,601.9	3,620.7	3,639.5
	Incidental Category	300.0	300.0	300.0	300.0	300.0
	Reserve Category	101.5	82.7	504.5	485.7	466.9
Utilized Quota	Landings	1,471.8	1,291.5	1,167.5	1,695.7	TBD
	Reserve Transfer to Canada	18.8	18.8	18.8	18.8	18.8
Total Underharvest		4,806.1	6,318.5	3,220.1	2,691.9	TBD
Dead Discards		114.9	154.9	149.2	149.8	TBD
Carryover Available +		4,691.2	1,468.8	1,468.8	1,468.8	TBD
South Atlantic Swordfish Quota (mt dw)		2005	2006	2007	2008	2009
Baseline Quota		75.2	90.2	75.2	75.2	75.2
Quota Carried Over		319.3	394.5	75.2	75.2	75.2
Adjusted quota		394.5	484.7	150.4	150.4	150.4
Landings		0.0	0.0	0.0	0.0	TBD
Carryover Available +		394.5	75.2	75.2	75.2	75.2

⁺ Underharvest is capped at 50 percent of the baseline quota allocation for the North Atlantic and 100 mt ww (75.2 mt dw) for the South Atlantic.

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

Steve Durkee or Karyl Brewster-Geisz at 301-713-2347. Copies of the proposed rule and supporting documents 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/>.



Alan D. Risenhoover, Director
Office of Sustainable Fisheries

AUG 05 2009

Date