

# Atlantic States Marine Fisheries Commission

## Coastal Sharks Management Board

*October 17, 2023*

*5:00 – 5:45 p.m.*

*Hybrid Meeting*

### **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 ( <i>E. Burgess</i> )                                     | 5:00 p.m. |
| 2. Board Consent   | 5:00 p.m. |
| • Approval of Agenda   |           |
| • Approval of Proceedings from August 2023   |           |
| 3. Public Comment  | 5:05 p.m. |
| 4. Set Specifications for the 2024 Fishing Year ( <i>C. Starks</i> ) <b>Action</b> | 5:15 p.m. |
| 5. Elect Vice-Chair <b>Action</b>  | 5:40 p.m. |
| 6. Other Business/Adjourn  | 5:45 p.m. |

The meeting will be held at Beaufort Hotel (2440 Lennoxville Road, Beaufort, North Carolina; 252.728.3000) and via webinar; click [here](#) for details

# MEETING OVERVIEW

## Coastal Sharks Management Board

October 17, 2023

5:00 – 5:45 p.m.

Hybrid Meeting

Chair: Erika Burgess (FL) Assumed Chairmanship: 05/23	Technical Committee Chair: Angel Willey (MD)	Law Enforcement Committee Representative: Greg Garner (SC)
Vice Chair: VACANT	Advisory Panel Chair: VACANT	Previous Board Meeting: August 1, 2023
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 2023

**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. Set 2023 Specifications (5:15-5:40 p.m.) Action

#### Background

- NOAA Fisheries published proposed 2024 Coastal Sharks Specifications in August. The proposed rule would adjust quotas and retention limits and establish the opening date of January 1, 2024 for the Atlantic shark commercial fisheries for the 2024 fishing year.
- The fishing season will start with a commercial retention limit of 55 for Large Coastal Sharks other than sandbar sharks per vessel per trip. The retention limit of Blacknose sharks will start at 8 sharks per vessel trip.
- This proposed rule also considers options for 2024 and future fishing years to automatically open the commercial fishing year on January 1 of each year under the base quotas and default retention limits, and to increase the default commercial retention limit for the large coastal shark (LCS) fisheries.

#### Presentations

- NOAA Fisheries Proposed Rule for 2024 Specifications by C. Starks

#### Board actions for consideration at this meeting

- Set the 2024 coastal shark specifications including commercial opening dates and commercial possession limit by management group.

### 5. Elect Vice-Chair

### 6. Other Business/Adjourn

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

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**August 1, 2023**

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

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Adjournment .....7

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of May 2, 2023** by consent (Page 1).
3. **Move to approve de minimis request from Massachusetts, state compliance reports, and the Coastal Sharks FMP Review for the 2021 fishing year** (Page 7). Motion by Justin Davis; second by Roy Miller. Motion approved by Board consent (Page 7).
4. **Move to adjourn** by consent (Page 7).

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## ATTENDANCE

### Board Members

Dan McKiernan, MA (AA)	Michael Luisi, MD, proxy for L. Fegley (AA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Jason McNamee (AA)	Lewis Gillingham, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Bill Hyatt, CT (GA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Craig Miner, CT proxy for Rep. Gresko, CT (LA)	Mel Bell, SC (AA)
John Maniscalclo, NY, proxy for B. Seggos (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Ben Dyar, SC, proxy for Sen. Cromer (LA)
Heather Corbett, NJ, proxy for J. Cimino (AA)	Doug Haymans, GA (AA)
Jeff Kaelin, NJ (GA)	Spud Woodward, GA (GA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Erika Burgess, FL, proxy for J. McCawley (AA)
John Clark, DE (AA)	Gary Jennings, FL (GA)
Roy Miller, DE (GA)	Karyl Brewster-Geisz, NMFS

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

### Ex-Officio Members

Angel Willey, Technical Committee Chair

### Staff

Bob Beal	Caitlin Starks	Alex Dijohnson
Toni Kerns	Jeff Kipp	Katie Drew
Madeline Musante	Tracy Bauer	Jainita Patel
Tina Berger	James Boyle	Chelsea Tuohy

### Guests

Debra Abercrombie, US FWS	Lisa Crawford, NOAA	Greg Hinks, NJ DEP
Pat Augustine	Scott Curatolo-Wagemann,	Jesse Hornstein, NYS DEC
Rob Beal, ME Marine Patrol	Cornell	Jillian Houle, Save the Sound
Alan Bianchi, NC DMF	Becky Curtis, NOAA	James Jewkes
Jeffrey Brust, NJ DFW	Russell Dize	Yan Jiao, Virginia Tech
Scot Calitri, NH F&G	Thomas Fote, Jersey Coast	Blaik Keppler, SC DNR
Nicole Caudell, MD DNR	Anglers Association	William Lucey, Save the Sound
Michael Celestino, NJ DFW	Tony Friedrich, ASGA	Jerry Mannen Jr.
Benson Chiles, Chiles Consulting	John Gans, Theodore Roosevelt	Chris McDonough, SC DNR
Joe Cimino, NJ (AA)	Conservation Partnership	Joshua McGilly, VMRC
Haley Clinton, NC DEQ	Angela Giuliano, MD DNR	Robert McGinness
Richard Cody, NOAA	Joseph Grist, VMRC	Steve Meyers
Margaret Conroy, DE DNREC	Brendan Harrison, NJ DEP	Kyle Miller, FL FWC
Caitlin Craig, NYS DEC	Hannah Hart, MAFMC	Brian Neilan, NJ DEP

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Draft Proceedings of the Coastal Sharks Management Board – August 2023

Kenneth Ostrand, US FWS  
Marina Owens, FL FWC  
Ian Park, DE DFW  
Nicole Pitts, NOAA  
Bill Post, SC DNR  
Will Poston, ASGA  
Jill Ramsey, VMRC  
Kathy Rawls, NC (AA)  
Jeff Renchen, FL FWC

Kirby Rootes-Murdy, USGS  
Linnea Saby, Senate  
Environment and Public Works  
Christopher Scott, NYS DEC  
McLean Seward, NC DMF  
Carrie Soltanoff, NOAA  
Renee St. Amand, CT DEEP  
Elizabeth Streifeneder NYS DEC

Chad Thomas, NC Marine &  
Estuary Foundation  
Beth Versak, MD DNR  
Ann Williamson, NOAA  
Charles Witek  
Emerald Wright, NH F&G  
Erik Zlokovitz, MD DNR

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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, a hybrid meeting, in-person and via webinar; Tuesday, August 1, 2023, and was called to order at 12:30 p.m. by Chair Erika Burgess.

### **CALL TO ORDER**

CHAIR ERIKA BURGESS: Good afternoon, everyone, I'm calling to order the Coastal Sharks Management Board.

### **APPROVAL OF AGENDA**

CHAIR ERIKA BURGESS: The first item on the agenda is Approval of the Agenda. Is there any opposition to the agenda? Seeing none; the agenda is approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIR BURGESS: Next is approval of the proceedings from May, 2023. Any opposition to approving the proceedings? Seeing none; the proceedings are approved by consent.

### **PUBLIC COMMENT**

CHAIR BURGESS: At this time, we'll take public comment. Is there anyone in the audience who would like to give public comment before the Coastal Sharks Board? There are no hands online, so we'll move forward to Item 4.

### **PRESENTATION ON SCOPING FOR DRAFT AMENDMENT 16 TO THE HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN**

CHAIR ERIKA BURGESS: Item 4 is a Presentation on Scoping for Draft Amendment 16 to the HMS Fishery Management Plan. We'll have a presentation from Guy, and I clarified this right beforehand. Guy DuBeck from HMS. We'll get that presentation loaded and you're welcome to get started.

MR. GUY DuBECK: Good afternoon, everyone. I'm Guy DuBeck here from the Atlantic HMS

Division. I'm here to talk about scoping of Amendment 16. First, I want to wade through some background of two large documents, Amendment 14 and then the Shark Fishery Review Document that kind of sets the stage for Amendment 16, and then move on into the scoping document, and all the options that we're kind of considering.

The first one here is Amendment 14, which we put out earlier this year. At the beginning it was a framework action that kind of sets the stage, and implements the ABCs and ACLs for the Atlantic shark fisheries. In there we had a variety of preferred options. The first one was to create a tiered ABC control rule.

Next one was to create a phase-in of ABC control rule under certain modifications. Then for the ACL development we're looking to actively manage the recreational/commercial sector ACLs along with establishing ACLs for different shark management groups without quota linkages.

The next one was we could, for any carryover of underharvest of the commercial quota under certain conditions, and the last one is we're going to look at a three-year kind of rolling average of mortality to determine the overfishing stock status. The other big document we released earlier this year was our shark fishery review or SHARE Document. This was kind of our complete review of the shark fishery, looking at the commercial and recreational conservation and management measures, along with depredation. Another part in the document we looked at was the external factors that are affecting the shark fishery. Mostly CITES listings, and then also the state and now the national shark fin bans.

From that we kind of determined that management measures are working well, there were some concerns with the different management measures, but then overall from there we looked at how we move forward, and provided some suggestions of what management measures would we moved forward with.

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From those we kind of formulated the scoping for Amendment 16. In May, we released Amendment 16. From here the objective of this stayed kind of consistent with the Amendment 14 and scientific advice to establish ABCs and ACLs for the non-prohibited shark species. We want to try and optimize the commercial and recreational quotas for fishermen to harvest, and also increase management flexibility for us to kind of react to the changes that are occurring real time.

Here is kind of a slide based on Amendment 14, we did the tiered ABC control rule. From there we were establishing it based on the data from the assessments to determine which species were in place in each tier. We have four tiers. Tier 1 is data rich stock assessments. Tier 2 is data moderate. Tier 3 is the data limited, and then Tier 4 are the ones that have not been assessed.

You also see we have two tiers outside the ABC control rule, and those are stocks under a rebuilding plan, and then the ones that are ICCAT or pelagic shark species. I just want to point out that you will see the green highlighted ones. In our scoping document we did an example of what the ABC and ACLs could be for those species, with commercial and recreational ACLs in the document, so the ones highlighted we have more detail than what it may look like in the document.

But also, to point out that you see the red asterisk with the hammer head shark assessment. We're currently working on that right now, and we're hoping to have that done sometime in the coming year. But once that's completed, we'll be moving the hammerhead species around within or outside this Tier process, depending what the results are.

But I also will point out that is true for all of our shark stocks. Once we get more scientific data and have assessments, we'll be moving them around. It's going to be kind of fluid in what it looks like here. Here I just want to orient you

with, in Amendment 14 we set up the ACL framework for non-prohibited shark species.

It just kind of orients you to this kind of tree process we set up, and how we are going to be going through it in future slides about looking at what an example may look like. Again, we have the OFL. We'll have an OFL or an OFL proxy, ABC or ABC proxy, and then the ACLs for our shark stocks. Then we'll have the different sector ACLs too.

I want to show you at least one example of what it may look like. This group here it shows the Tier 1, so data rich assessment, and we did the black tipped sharks in the Atlantic region. Also, I just want to highlight that for this chart here we made some assumptions. We're using all the catch history, and in our document, we are looking at, give options of what kind of catch history do we use? Do we use all of our catch history to kind of split the ACL between the commercial and recreational, or do we want to look at more recent years, in the last five or ten years?

In this one we're using all of it. Also, with the HMS risk policy. Historically we've used 70 percent for a majority of our shark stocks, as the risk policy to ensure that they are healthy stocks, and we're not going to cause overfishing or overfishing will continue. We've had to use 70 percent, but since we have this example here with Atlantic blacktip and Tier 1, the scientific uncertainty for that stock is much lower than other ones.

Maybe we could consider other risk policy percentages, and the document would kind of look at whether you're looking at 60 or 50 percent, or sticking with 70 percent. For this example, here we looked at 70 percent, and just kind of run through what the OFL and the ABC would be for the Atlantic blacktip sharks. Then we kind of did an estimate what the management buffer would be, and then calculated what the ACL would be. Using all the catch history for this one, the recreational sector ACL for Atlantic blacktips would get 58 percent of that ACL.

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Their recreational sector quota would be 50,000 sharks, and currently the past couple years are averaging, harvesting about 89 percent of that. For the commercial sector they are going to get 42 percent of the ACL. Looking at the commercial quota of 136 metric tons, recently in the past couple years they've only harvested about 40 percent of that.

Since we're talking about changing the ABCs and the ACLs and all the quotas, and kind of everything for our shark fishery. We're looking at you know, what other things can we change for our fishery, and move forward. It's kind of all connected. The first thing is looking at the shark managed groups.

Historically we've had those for the longest time where we have large coastal, small coastal or pelagics. Then as we do in stock assessments, we've been pulling species out, but kind of keeping the other ones grouped together as aggregated large coastal or non-blacknose small coastals. Maybe it's time for us to reevaluate that.

You know, maybe we should look at creating different management groups based on the assessed and unassessed, whether regional or nonregional. But then also look at what species are being caught together. We've been hearing a lot about, you know if I'm going out shark fishing, I'm catching blacktip, bulls, and spinners together, so maybe we create a blacktip, spinner, bull quota for the fishermen that are kind of going out and catching those things.

Again, the possibilities, it might simplify some regulations, but then also could complicate some of our management measures moving forward with doing that. Just some options in the document. We're moving on to the regionals and sub-regional quotas. Historically we've kind of split the Atlantic and Gulf region for management purposes, and for some stocks.

Maybe it's time for us to relook at that split. You know maybe look at more recent catch

history, and change those quotas based on recent catch history. Then we have the Atlantic blacknose management boundary line. Where we've put that in place about ten years ago, then again now that sharks are kind of migrating more north and north, maybe it's inappropriate. Maybe we should look at that line again. Then the other thing was in the Gulf of Mexico we have sub-regional quotas for management purposes. Maybe it's time for us to reevaluate that, especially if we're looking at the quotas. In the document we talk about the Gulf of Mexico blacktip quota to be 16 million pounds.

Maybe we don't need a regional split for that one. Just some options about that. Then the last one here about the Caribbean region. You know historically all the landings from the Caribbean region of sharks come off the Gulf quota. But we know that the Caribbean just operates very differently between how they, the gears they use, what species they can retain. Maybe it's time for us to create a regional quota for the Caribbean.

As we're changing the quotas, maybe it's time for us also to look at our exempted fishing permit quotas, and also the shark research fishery. Those have been kind of established for many years, and the usage of those quotas are very low. For the EFPs, you know we are already going to be taking the research mortality off the top with the framework, and based on the framework under the management buffer.

Maybe we just rework the quotas around to look at more prohibited species, and create a prohibited species quota. For their shark research fishery, we've had that in play since 2008. Unfortunately, I hate to say this, we've had record low participation this year in effort levels, and it has declined the past couple years. We feel the research fishery is very vital for our stock assessments now and in the future.

We're trying to come up with ways for how do we keep that? Maybe changing the goals, objectives, just trying to keep that going to collect that data that we need for those stock assessments. As we are changing quotas, one of the things we have

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identified in our shark fishery review document is, maybe we should be changing commercial retention limits that we have not looked at in a long time.

You know we're looking at potentially revising and increasing it or removing it for some species, you know like I mentioned, if we have such a large quota for some of our healthy stocks, maybe we don't need a commercial retention limit for those species, because we know that the driver of the fishery are the markets.

Just some options that we have in the document on how to revise that. The last set of options we have on our document is the recreational fishery. Right now, we have a 54-inch minimum size limit for a majority of our shark stocks, so for hammerheads and makos, and some small coastals. After we look at our SHARE document, maybe it is more appropriate to set the minimum size for size at maturity for some of those shark species.

Some of them are much smaller than 54 inches, some are much larger. Maybe it's kind of bringing up what it says for size, based on size at maturity, and also for bag limits. I mean we have healthy stocks, maybe we can increase bag limits or remove some of them for some of those species. Some of the options we have in our scoping document. This last slide here kind of highlights some of the overall kind of comments we've been receiving to date for Amendment 16.

Generally, there is a lot of support for us to do something for the shark fishery. However, we're finding that there are a lot of things, a lot of options in Amendment 16, and it's hard for a lot of people to get their heads wrapped around, because if you're changing one thing it ripples to the next thing, so they feel like it's a little too much.

The other ones are, you know a lot of our constituents feel like we need to make the

change now, not in the future. The fishery needs help, make those changes now. Then the other thing is, the big thing is to help, they would like us to help them create markets to improve the fishery. However, that is kind of beyond the purview of NOAA Fisheries. But they would like our help somehow.

Then the biggest one we've been hearing a lot in all of our actions is, shark depredation is increasing and continues to increase, and is causing an issue. Then the last thing, last time we've been hearing is the sharks need more protection, and we should not be looking to remove these regulations or reducing those, we need to be putting more and more for some of these shark species.

That's kind of Amendment 16 really quickly. I have the website up here for folks that want to go back and look at the document. We have our last webinar this coming Monday, and then the comment period for this action closes on August 18. The last part of this is kind of beyond Amendment 16, and then this kind of just came out today, so some of you probably saw the e-mail, is our Shark Season Proposed Rule came out.

I just want to highlight that we're going to change things, moving forward for our Shark Season Rule. For this one is that we're going to be, we're proposing to automatically open the fishery January 1, under base quotas, and the default retention limit. Historically we've always closed the fishery on December 31, and would not open until we do our next season rule, announcing the quotas and the opening dates and the retention limits.

Under this we're proposing that it just kind of rolls over, automatically opens up with the default and revised retention limit. The other thing is we're revising the default retention limit, so currently right now in our regulations we have a default limit of 45 large coastals per trip. We're proposing to increase it to 55, the max number we have.

That is based on catch efforts historically have kind of lowered for the shark fishery, so we're putting the higher limit as the default limits. Then also

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we're proposing a revised quota based on the current regulations to carryover underused quota. The end of it here is just we have a comment period for the shark season rule, ends on September 1st. If you want to place a comment, we've put the regulation.gov, and then the keyword there. Then hopefully have a proposed rule for the shark season rule by November or December. That's all I have.

MS. BURGESS: Thank you very much, Guy. At this time, are there any questions on the presentation? Gary.

MR. GARY JENNINGS: Thank you, Guy. What is the process or the trigger for reevaluating a shark position on the ABC Rule here, and is there like a set reevaluation schedule, based on SEDAR assessments, or how does that work?

MR. DuBECK: Yes, so right now there is no set schedule, it's mostly based on the data from that stock assessment, how we place them in the tiers. Right now, we're taking comment on the placement of our shark species within each of the gear structure. But we've kind of put it out there that a few of them are in the data rich, some of them are in data moderate. Unfortunately, a majority of our shark stocks are in the no accepted assessments. It would have to wait for an assessment, whether done through SEDAR or externally that has been reviewed for moving forward.

MR. JENNINGS: I've got kind of a follow up if that is okay. Is there an option to use alternative data years that align with significant management or policy changes, to determine ABC, other than the 5-10?

MR. DuBECK: Yes, it is something that can be done, because I know we've changed quite a few of our shark regulations in the past 10, 15 years. How the fishery is going to operate in the near future with some of the external factors that are affecting them. We can look at more recent years, or go back to a certain point when the fishery changed to forward.

I think it could be overall for all of our shark stocks, or it could be based on individual management groups. If we've changed the large coastal fishery in the past five years, maybe just go to the past five years. But small coastals, say it was like 10, 15 years ago, maybe for that point a more recent. But we can be flexible and take comment on what years of data we should be using.

CHAIR BURGESS: Yes, John.

MR. JOHN CLARK: Thank you for the presentation, Guy. Could you give a little more detail on what is going on with sandbar sharks, why there seems to be such a decrease in the number of permits?

MR. DuBECK: The big thing is the market, because for the Shark Research Fishery when our money for the research fishery, whatever they make is what they can sell the product for. We're not paying those fishermen, certainly to go out shark fishing, and the markets just haven't quite been there.

Unfortunately, with some of the fishermen, and now with some of the different regulations from CITES, and then national fin ban, the value is not there anymore. This year we only had, I think three applicants, and we took three. But historically we've been taking 5 to 10 in the past. Unfortunately, the interest has not been there.

CHAIR BURGESS: The next hand I saw was Roy.

MR. ROY W. MILLER: Guy, in your scoping document, this is more of a comment than a question. I would be interested to see how you address topics that seem to be coming from the opposite ends of the spectrum. In other words, I'm thinking about the depredation. How do you decrease depredation while the very next item in your list was additional protection? How do you see that working out, where there seem to be opposing approaches to address these problems?

MR. DuBECK: That's a tough one. We're stuck in the middle. But you know based on the science that we have for each one of the assessments, we can set quotas that are perfect for that stock, and

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then we would have management measures appropriate for them, each one. Under depredation, we're getting such a range of shark species that are potential culprits for those. We're hearing a lot of sandbars and dusky's.

Dusky is prohibited, sandbars are really on the shark research fishery. But some of the options we have in our document is like, okay if no one is participating in our shark research fishery, maybe we can allow sandbar quota or retention outside the research fishery on a limited basis too. It really comes down to the science and what the ABCs and ACLs could be for each one of the stocks, and then we would set management measures appropriately.

CHAIR BURGESS: Yes, Gary.

MR. JENNINGS: It looks like the recreational and the commercial OFL and ABC, ACL are taking into consideration discards. Do you have a concern, because there is a large amount of uncertainty around the discard data, that using it could result in more conservative quotas, which would restrict the fishery more than is necessary?

MR. DuBECK: I think that would depend on the shark stock. An example is, you know with the blacktip shark in the Atlantic. The uncertainty for that species is much lower than other species, so we're pretty confident some of those data, compared to some of the other truck species. But I think it really comes down to individual species, individually to get a better sense of that one.

CHAIR BURGESS: I saw Lewis with his hand up.

MR. LEWIS GILLINGHAM: I'm just wondering if you could comment regarding blacktip in the Gulf. I know they're having difficulty with reaching their quota everywhere else, but it seems like that blacktip quota, which is fairly substantial, goes quickly every year. What is the difference on marketability?

MR. DuBECK: Chatting with some of the fishermen dealers in the area, they have a window of when they go shark fishing, usually beginning of the year, and then during the religious holiday of lent. They export those products to Mexico. There is a big market for them in that area, so that is why they kind of go through their quota really fast at the beginning of the year, and kind of target them.

But then they move on to other things, and that is what we're hearing from a lot of our fishermen, they have a diverse portfolio, and they kind of look what is available, and what is more profitable for them to be jumping into. Yes, and blacktips are kind of the quota is going to be pretty large in the Gulf potentially for that species. That is just based on their reproductive cycles and biology.

CHAIR BURGESS: I'm not seeing other hands for questions, thank you for answering them, Guy. The decision before the Board now is to determine whether we would like to send a letter during scoping for this Amendment. Is there any interest in sending a letter? All right, I'm not going to twist anyone's arm. I will note, Florida FWC will be submitting a letter with a comment on it.

#### **CONSIDER APPROVAL OF FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR 2021 FISHING YEAR**

CHAIR ERIKA BURGESS: The next item of business is a Review of the Fishery Management Plan.

MS. CAITLIN STARKS: I'm going to go through this pretty quickly. These are the sections in the FMP Review Report that you received in materials. But in the interest of time, I'll just touch briefly on each of these. The coastal sharks FMP was implemented in 2009, there have been five addenda that modified the FMP.

The FMP and addenda do not include any coastal shark monitoring or research requirements, and the Commission typically follows the lead of NOAA Fisheries Highly Migratory Species, HMS, when setting the quotas and closures for shark. Since last year there haven't been any changes to the stock

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status of any of the managed shark species, and the most recent stock assessment was for Atlantic blacktip, and it found Atlantic blacktip not overfished and not subject to overfishing.

As was mentioned, there is an ongoing management track assessment for the HMS hammerhead sharks through SEDAR 77. Commercial landings of aggregated large coastal shark species in 2021 were less than 181,000 pounds dressed weight, and roughly a 20 percent decrease from 2020 landings.

Commercial landings of small coastal shark species in 2021 were 246,932 pounds, which is about a 5 percent increase from the 2020 landings, and commercial landings of Atlantic pelagic sharks in 2021 were greater than 84,850 pounds, which represents an approximate 14 percent decrease from 2020.

This graphic is showing the recreational harvest of sharks where large coastal sharks and small coastal sharks are shown in numbers, and those are represented by the red and blue bars, and pelagic shark data are reported in metric tons, whole weight, and that is shown by the gray line. In 2021, recreational harvest for large coastal sharks and small coastal sharks both increased relative to 2020, and for pelagic sharks the recreational harvest decreased in 2021 relative to 2020.

In 2021, recreational harvest of prohibited Atlantic shark species was 58 sharks, and that is the lowest value that it's been over the last five years. Then this FMP again doesn't establish specific de minimis guidelines that would exempt a state from regulatory requirements contained in the plan, but de minimis can be determined on a case-by-case basis.

This year Massachusetts has requested continued de minimis status for aggregated large coastal and hammerhead species groups, with regard to the possession limit and the closure requirements. The PRT reviewed the de minimis request and the recent data, and they

recommend de minimis status be granted to Massachusetts for the aggregated large coastal and hammerhead species groups. As an update from last year, the PRT noted that New Jersey has now implemented the non-offset circle hook requirement for the recreational fishery as of February, 2023.

Then lastly the PRT noted that in 2021, Georgia's recreational regulations allowed for the landing of 1 hammerhead, 1 shortfin mako, and 1 other shark, which is in excess of what is allowed under the FMP. Our FMP allows one shark per person per vessel, plus one Atlantic Sharpnose and one bonnethead.

This issue has been raised with Georgia DNR staff, and they've indicated that the regulations will be updated accordingly, but as of right now I don't believe those changes have been implemented. Then to wrap up, the Board action here is just to consider approval of the de minimis request for Massachusetts, the state compliance reports, and approval of the FMP review for the 2021 fishing year. I can take any questions.

CHAIR BURGESS: Any questions on the FMP review? All right, seeing none, I will open the floor for a motion. Justin.

**DR. JUSTIN DAVIS: I move to approve de minimis request from Massachusetts, state compliance reports, and the Coastal Sharks FMP Review for the 2021 fishing year.**

CHAIR BURGESS: Thank you, is there a second? Second from Roy. All right, **is there any opposition to the motion? Seeing none; that is approved by consent.**

#### ADJOURNMENT

CHAIR BURGESS: Thank you, Caitlin. Is there any other business to come before the Board? Seeing none; I consider this meeting adjourned.

(Whereupon the meeting adjourned at 1:10 p.m. on Tuesday, August 1, 2023)

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

Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 28, 2023.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2023-16475 Filed 8-1-23; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 230724-0173]

RIN 0648-BM33

#### Atlantic Highly Migratory Species; 2024 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 adjust quotas and retention limits and establish the opening date for the 2024 fishing year for the Atlantic shark commercial fisheries. Within this proposed rule, NMFS also considers options for the 2024 and future fishing years to automatically open the commercial fishing year on January 1 of each year under the base quotas and default retention limits, and to increase the default commercial retention limit for the large coastal shark (LCS) fisheries. Quotas would be adjusted as required or allowable based on any underharvests from the previous fishing years. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

**DATES:** Written comments must be received by September 1, 2023.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2023-0081, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [https://](https://www.regulations.gov)

[www.regulations.gov](https://www.regulations.gov) and enter NOAA-NMFS-2023-0081 in the search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

**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](https://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 Atlantic Highly Migratory Species (HMS) Management Division website at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species> or by contacting Ann Williamson ([ann.williamson@noaa.gov](mailto:ann.williamson@noaa.gov)) by phone at 301-427-8503.

**FOR FURTHER INFORMATION CONTACT:** Ann Williamson ([ann.williamson@noaa.gov](mailto:ann.williamson@noaa.gov)), Guy DuBeck ([guy.dubeck@noaa.gov](mailto:guy.dubeck@noaa.gov)), or Karyl Brewster-Geisz ([karyl.brewster-geisz@noaa.gov](mailto:karyl.brewster-geisz@noaa.gov)) at 301-427-8503.

#### SUPPLEMENTARY INFORMATION:

##### Background

Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635. The shark commercial retention limits, quotas, and closure requirements can be found in §§ 635.24(a), 635.27(b), and 635.28(b), respectively.

For the Atlantic shark commercial fisheries, the 2006 Consolidated HMS FMP and its amendments established default commercial shark retention limits, commercial quotas for species and management groups, and adjustment procedures for underharvests and overharvests. Regulations also include provisions allowing flexible opening dates for the fishing year (§ 635.27(b)(3)) and inseason adjustments to shark trip limits

(§ 635.24(a)(8)), which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas. In addition, § 635.28(b)(4) lists species and management groups with quotas that are linked. If quotas are linked, meaning when the specified quota threshold for one management group or species is reached and that management group or species is closed, the linked management group or species closes at the same time (§ 635.28(b)(3)). Lastly, pursuant to § 635.27(b)(2), any annual or inseason adjustments to the base annual commercial overall, regional, or sub-regional quotas will be published in the **Federal Register**.

#### Proposed Opening Date and Retention Limit Measures

NMFS is proposing to open the 2024 fishing year on January 1, permitting the maximum allowable retention limit for LCS fisheries, and is proposing options, described below, to change the opening date and default retention limit measures for LCS fisheries for future fishing years. These options are based on catch rates and landings information for 2021, 2022, and to date in 2023. In 2022 and 2023, NMFS opened the fishing years on January 1, with the maximum retention limit of 55 LCS other than sandbar sharks per vessel per trip for Shark Directed permit holders. The 2021 fishing year opened on January 1, with the default retention limit of 45 LCS other than sandbar sharks per vessel per trip; however, the retention limit was increased in all regions to 55 LCS other than sandbar sharks per vessel per trip by the end of March (86 FR 16075, March 26, 2021; 86 FR 47395, August 25, 2021). Despite having the maximum retention limits allowed under the regulations, the quotas for the various LCS management groups were not fully harvested in 2021 or 2022. Under current catch rates, it is unlikely the current quotas will be fully harvested in 2023. Given the current number of active and inactive permit holders, NMFS does not expect catch rates to increase in the near future. As such, NMFS is proposing opening the Atlantic shark commercial fishing year on January 1 under the highest possible allowable retention limit for LCS fisheries for 2024 and considering establishing those as the default opening date and retention limit for future fishing years.

Option 1, status quo, maintains the current management measures that require NMFS to adjust quotas and retention limits and establish the opening date for the upcoming fishing

year for the Atlantic shark commercial fisheries. Adjustments to quota levels for the various shark stock and management groups, commercial shark fishing opening dates, and default retention limits for directed shark permits must be proposed and finalized prior to the start of the upcoming fishing year based on data available from the previous fishing year. As a result, quota adjustments are based on incomplete data from the previous fishing year. Additionally, because the opening of the commercial shark fishing season is dependent upon implementation of an annual rulemaking, delays caused by the regulatory process could result in the fishery not opening on time. The uncertainty of this process can also mean that fishermen and dealers are unable to plan for the fishery starting January 1. This uncertainty may be one reason why the number of active permit holders and, accordingly, catch rates, has been declining over the years. Additionally, annually establishing the quotas, default retention limits, and opening date for the upcoming fishing year can be administratively burdensome for NMFS.

Option 2, the preferred option, would revise both the start date for all Atlantic shark fisheries and the default retention limit for Shark Directed permit holders in the LCS fisheries. Specifically regarding the start date, the preferred option would revise the regulations at § 635.27(b) to have the fishery automatically open on January 1 each year under base quotas and default retention limits. However, under this option NMFS would maintain the flexibility to prevent a regional or sub-regional shark management group from automatically opening on January 1 if the respective quota was overharvested or there were indications that opening on January 1 would result in the quota being overharvested. A change in opening date for a regional or sub-regional shark management group could occur during the respective fishing year or prior to January 1 for the following fishing year. Before changing the opening date from January 1, NMFS would consider the seven "Opening Commercial Fishing Season Criteria" listed at § 635.27(b)(3). Under Option 2, each year, during the fishing year, NMFS would follow the quota adjustment process specified in § 635.27(b)(2) and publish in the **Federal Register** an adjustment for any quota over- or underharvests based on landings reported from the previous fishing year.

The proposed January 1 start date for 2024 and future fishing years is based on recent catch rates and fishing effort.

NMFS has opened the Atlantic shark fishery on January 1 for the past 8 years. NMFS considered the underharvests of the different management groups in 2023 and the past few years to determine the likely effects of the commercial quotas 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 will be provided to fishermen in all areas. Lastly, NMFS assessed the seasonal variation of the different species and management groups, as well as seasonal variation in fishing opportunities. Based on these analyses, NMFS believes that automatically opening the Atlantic shark fishery on January 1 would not cause the commercial quotas to be exceeded, and, considering trends in current catch rates, should continue to provide equitable fishing opportunities across all areas. However, if the situation changes and a significant portion of the quota begins to be harvested in one area, NMFS may adjust retention limit, as appropriate, to provide equitable fishing opportunities in all areas during the fishing year. Furthermore, having a stable start date may provide fishermen and dealers with more certainty for business planning purposes.

The proposed default retention limit adjustment to 55 LCS other than sandbar sharks per vessel per trip for Shark Directed permit holders for 2024 and future fishing years is based on catch rates and landings information in 2023 and the past few years. The current default commercial retention limit is 45 LCS other than sandbar sharks per vessel per trip, unless NMFS determines otherwise and publishes a notice of inseason adjustment in the **Federal Register** (§ 635.24(a)(2)). NMFS reviewed landings on a weekly basis for all species and/or management groups and determined that fishermen have been able to participate in the fishery, and landings from both Gulf of Mexico sub-regions and the Atlantic region are not projected to exceed the 2023 overall aggregated LCS quota. This review indicates that in recent years the seasonal distribution of the shark species has not had an effect on the commercial shark landings within a region or sub-region. This result could be because in recent years shark fishermen have been able to operate throughout the year and target more profitable species in other fisheries depending on the season and availability of fish, including sharks.

Under Option 2, NMFS would not change the existing regulations that allow for changes to the retention limit during the fishing year. Specifically, NMFS could continue to adjust the retention limit from 0 to 55 LCS other than sandbar sharks per vessel per trip if the respective LCS management group is open under §§ 635.27 and 635.28, and after considering the seven "Inseason Trip Limit Adjustment" criteria at § 635.24(a)(8).

The proposed automatic opening date and default retention limit combination would provide, to the extent practicable, equitable opportunities across the fisheries management sub-regions. Automatically opening the fishing year on January 1 each year under base quotas and retention limits reduces the likelihood of delays caused by the regulatory process and provides more certainty to stakeholders. Additionally, any quota adjustments, based on over- and/or underharvest, could be accounted for at one time, based upon complete data from the prior fishing year. NMFS could also continue to adjust retention limits as needed throughout the fishing year to ensure quotas are harvested and not exceeded.

Consistent with existing regulations, all of the regional or sub-regional commercial fisheries for shark management groups would remain open until December 31 each year, or until NMFS determines that the landings for any shark management group are projected to reach 80 percent of the quota given the realized catch rates and are projected to reach 100 percent of the quota before the end of the fishing season, or until a quota-linked species or management group is closed. If NMFS determines that a non-quota-linked shark species or management group fishery must be closed, then, consistent with § 635.28(b)(2) for non-linked quotas (e.g., eastern Gulf of Mexico blacktip sharks, western Gulf of Mexico blacktip sharks, Gulf of Mexico non-blacknose small coastal sharks (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. The closure will be effective no fewer than 4 days from the date of filing for public inspection with the Office of the Federal Register. The linked and non-linked quotas are shown in Table 1.

For the regional or sub-regional Gulf of Mexico blacktip shark management group(s), regulations at § 635.28(b)(5)(i) through (v) authorize NMFS to close the management group(s) before landings have reached, or are projected to reach,



80 percent of the 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 of blacktip sharks, hammerhead sharks, and aggregated LCS; effects on accomplishing the objectives of the 2006 Consolidated 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. The fisheries for the shark species or management group would be closed from the effective date

and time of the closure until the start of the following fishing year or until NMFS publishes in the **Federal Register** a notice that additional quota is available and the season is reopened.

If NMFS determines that a quota-linked species and/or management group must be closed, then, consistent with § 635.28(b)(3) for linked quotas, NMFS will publish in the **Federal Register** a notice of closure for all of the species and/or management groups in a linked group. The closure will be effective no fewer than 4 days from the date of filing for public inspection with the Office of the Federal Register. In that event, from the effective date and time of the closure until the start of the

following fishing year or until NMFS announces that the season is reopened and additional quota is available (via publication of another notice in the **Federal Register**), the fisheries for all quota-linked species and/or management groups will be closed. The quota-linked 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 sharks and Atlantic non-blacknose SCS south of 34° N latitude.

TABLE 1—QUOTA LINKAGES AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP

Region or sub-region	Management group	Quota linkages <sup>1</sup>	Commercial retention limits for directed shark limited access permit holders <sup>2</sup>
Western Gulf of Mexico .....	Blacktip Sharks .....	Not Linked .....	55 LCS other than sandbar sharks per vessel per trip.
	Aggregated LCS .....	Linked	
	Hammerhead Sharks		
Eastern Gulf of Mexico .....	Blacktip Sharks .....	Not Linked .....	55 LCS other than sandbar sharks per vessel per trip.
	Aggregated LCS .....	Linked	
	Hammerhead Sharks		
Gulf of Mexico .....	Non-Blacknose SCS .....	Not Linked .....	N/A.
	Smoothhound Sharks .....	Not Linked .....	N/A.
Atlantic .....	Aggregated LCS .....	Linked .....	55 LCS other than sandbar sharks per vessel per trip.
	Hammerhead Sharks		
	Non-Blacknose SCS .....	Linked (South of 34° N lat. only) ..	N/A.
	Blacknose Sharks (South of 34° N lat. Only)		8 blacknose sharks per vessel per trip. <sup>3</sup>
No Regional Quotas .....	Smoothhound Sharks .....	Not Linked .....	N/A.
	Non-Sandbar LCS Research .....	Linked <sup>4</sup> .....	N/A.
	Sandbar Shark Research .....		
	Blue Sharks .....	Not Linked .....	N/A.
	Porbeagle Sharks		
	Pelagic Sharks Other Than Porbeagle or Blue		

<sup>1</sup> Section 635.28(b)(4) lists species and management groups with quotas that are linked. If quotas are linked, when the specified quota threshold for one management group or species is reached and that management group or species is closed, the linked management group or species closes at the same time (§ 635.28(b)(3)).

<sup>2</sup> Inseason adjustments are possible.

<sup>3</sup> Applies to Shark Directed and Shark Incidental permit holders.

<sup>4</sup> Shark research permits “terms and conditions” state that when the individual sandbar or research LCS quotas authorized by the permit are landed, all fishing trips under the permit must stop.

**Proposed 2024 Commercial Shark Quotas**

NMFS proposes to adjust the quota levels for the various shark stocks and management groups for the 2024 Atlantic shark commercial fishing year (i.e., January 1 through December 31, 2024) based on underharvests that occurred during the 2023 fishing year, consistent with existing regulations at § 635.27(b). Overharvests and underharvests are accounted for in the same region, sub-region, 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 5 years. If a sub-regional quota is overharvested, but the overall regional quota is not, no subsequent adjustment is required. Unharvested quota may be added to the quota for the next fishing year, but only for shark management groups that have shark stocks that are declared not overfished and not experiencing overfishing. No more than 50 percent of a base annual quota may be carried over from a previous fishing year.

Based on 2023 harvests to date, and after considering catch rates and landings from previous years, NMFS proposes to adjust the 2024 quotas for

certain management groups as shown in Table 2. All of the 2024 proposed quotas for the respective stocks and management groups will be subject to further adjustment in the final rule after NMFS considers landings submitted in the dealer reports through mid-October. NMFS anticipates that dealer reports received after that time will be used to adjust 2025 quotas, as appropriate, noting that, in some circumstances, NMFS re-adjusts quotas during the subject year.

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

regions are not overfished, and overfishing is not occurring, available underharvest (up to 50 percent of the base annual quota) from the 2023 fishing year for these management groups may be added to their respective 2024 base 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 (§ 635.27(b)(1)(ii)(C)).

For the sandbar shark, aggregated 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 2023 underharvests cannot be carried over to the 2024 fishing year because those stocks or management groups are overfished, are experiencing overfishing, or have an unknown status. There are no overharvests to account for in these management groups to date. Thus, NMFS proposes that quotas for these management groups be equal to the annual base quota without

adjustment, although the ultimate decision will be based on current data at the time of the final rule.

The proposed 2024 quotas by species and management group are summarized in Table 2 and the description of the calculations for each stock and management group can be found below. All quotas and landings are in dressed weight (dw) metric tons (mt). Table 2 includes landings data as of May 12, 2023. Final quotas are subject to change based on landings as of mid-October 2023.

TABLE 2—2024 PROPOSED QUOTAS FOR THE ATLANTIC SHARK MANAGEMENT GROUPS

Region or sub-region	Management group	2023 Annual quota (A)	Preliminary 2023 landings <sup>1</sup> (B)	Adjustments <sup>2</sup> (C)	2024 Base annual quota (D)	2024 Proposed annual quota (D+C)		
Western Gulf of Mexico.	Blacktip Sharks .....	347.2 mt (765,392 lb)	225.3 mt (496,649 lb)	115.7 mt (225,131 lb)	231.5 mt (510,261 lb)	347.2 mt (765,392 lb).		
	Aggregate Large Coastal Sharks <sup>3</sup> .	72.0 mt (158,724 lb)	75.9 mt (167,296 lb)				72.0 mt (158,724 lb)	72.0 mt (158,724 lb).
	Hammerhead Sharks <sup>4</sup> .	11.9 mt (26,301 lb)	<3.0 mt (<6,612 lb)				11.9 mt (26,301 lb)	11.9 mt (26,301 lb).
Eastern Gulf of Mexico.	Blacktip Sharks .....	37.7 mt (83,158 lb)	0.6 mt (1,394 lb)	12.6 mt (27,719 lb)	25.1 mt (55,439 lb)	37.7 mt (83,158 lb).		
	Aggregate Large Coastal Sharks <sup>3</sup> .	85.5 mt (188,593 lb)	<1.0 mt (327 lb)				85.5 mt (188,593 lb)	85.5 mt (188,593 lb).
	Hammerhead Sharks.	13.4 mt (29,421 lb)	<1.0 mt (2,204 lb)				13.4 mt (29,421 lb)	13.4 mt (29,421 lb).
Gulf of Mexico .....	Non-Blacknose Small Coastal Sharks.	112.6 mt (428,215 lb)	<1.0 mt (351 lb)	168.2 mt (370,814 lb)	112.6 mt (428,215 lb)	112.6 mt (428,215 lb).		
	Smoothhound Sharks.	504.6 mt (1,112,441 lb)	0.0 mt (0 lb)				336.4 mt (741,627 lb)	504.6 mt (1,112,441 lb).
Atlantic .....	Aggregate Large Coastal Sharks.	168.9 mt (372,552 lb)	41.8 mt (92,088 lb)	600.9 mt (1,324,634 lb)	1,201.7 mt (2,649,268 lb)	1,802.6 mt (3,973,902 lb).		
	Hammerhead Sharks.	27.1 mt (59,736 lb)	12.9 mt (28,547 lb)				168.9 mt (372,552 lb)	168.9 mt (372,552 lb).
	Non-Blacknose Small Coastal Sharks.	264.1 mt (582,333 lb)	18.8 mt (41,502 lb)				27.1 mt (59,736 lb)	264.1 mt (582,333 lb).
	Blacknose Sharks (South of 34° N lat. Only).	17.2 mt (3,921 lb)	<3.0 mt (<6,612 lb)				264.1 mt (582,333 lb)	264.1 mt (582,333 lb).
	Smoothhound Sharks.	1,802.6 mt (3,973,902 lb)	47.0 mt (103,672 lb)				17.2 mt (3,921 lb)	1,802.6 mt (3,973,902 lb).
No Regional Quotas.	Non-Sandbar LCS Research.	50.0 mt (110,230 lb)	<2.0 mt (<4,408 lb)	50.0 mt (110,230 lb)	50.0 mt (110,230 lb)	50.0 mt (110,230 lb).		
	Sandbar Shark Research.	90.7 mt (199,943 lb)	<22.0 mt (<48,500 lb)				90.7 mt (199,943 lb)	90.7 mt (199,943 lb).
	Blue Sharks .....	273.0 mt (601,856 lb)	<2.0 mt (<4,408 lb)				273.0 mt (601,856 lb)	273.0 mt (601,856 lb).
	Porbeagle Sharks	1.7 mt (3,748 lb)	<1.0 mt (<2,204 lb)				1.7 mt (3,748 lb)	1.7 mt (3,748 lb).
	Pelagic Sharks Other Than Porbeagle or Blue.	488.0 mt (1,075,856 lb)	9.9 mt (21,910 lb)				488.0 mt (1,075,856 lb)	488.0 mt (1,075,856 lb).

<sup>1</sup> Landings are from January 1, 2023 through May 12, 2023 and are subject to change.

<sup>2</sup> Underharvest adjustments can only be applied to stocks or management groups that are declared not overfished and have no overfishing occurring. The underharvest adjustments cannot exceed 50 percent of the base quota.

<sup>3</sup> NMFS transferred 40.0 mt dw of the aggregate LCS quota from the Gulf of Mexico eastern sub-region to the western sub-region as of March 21, 2023 (88 FR 17742, March 24, 2023).

*Shark Management Groups Where Underharvests Can Be Carried Over*

The Gulf of Mexico blacktip shark management group (which is divided between eastern and western sub-regions) and smoothhound shark management groups in the Gulf of Mexico and Atlantic regions are not overfished and overfishing is not occurring. Pursuant to § 635.27(b)(2)(ii),

available underharvest (up to 50 percent of the base annual quota) from the 2023 fishing year for these management groups may be added to their respective 2024 base quotas. Reported landings for blacktip sharks and smoothhound sharks have not exceeded their 2023 quotas to date.

*Blacktip Sharks:* The 2024 proposed commercial quota for blacktip sharks in the western Gulf of Mexico sub-region is

347.2 mt dw (765,392 lb dw) and in the eastern Gulf of Mexico sub-region is 37.7 mt dw (83,158 lb dw). As of May 12, 2023, preliminary reported landings for blacktip sharks in the Gulf of Mexico western sub-region were 65 percent (225.3 mt dw) of their 2023 quota (347.2 mt dw), and in the eastern sub-region were at 2 percent (0.6 mt dw) of their 2023 quota (37.7 mt dw). Consistent with § 635.27(b)(1)(ii)(C), any

underharvest would be divided between the two Gulf of Mexico sub-regions based on the percentages that are allocated to each sub-region (*i.e.*, 90.2 percent to the western sub-region and 9.8 percent to the eastern sub-region). As of May 12, 2023, the overall Gulf of Mexico blacktip shark management group is underharvested by 159.0 mt dw (350,307 lb dw). The proposed 2024 adjusted base annual quota for blacktip sharks in the western Gulf of Mexico sub-region is 347.2 mt dw (231.5 mt dw annual base quota + 115.7 mt dw 2023 underharvest = 347.2 mt dw 2024 adjusted annual quota) and in the eastern Gulf of Mexico sub-region is 37.7 mt dw (25.1 mt dw annual base quota + 12.6 mt dw 2023 underharvest = 37.7 adjusted annual quota).

**Smoothhound Sharks:** The 2024 proposed commercial quota for smoothhound sharks in the Gulf of Mexico region is 504.6 mt dw (1,112,441 lb dw) and in the Atlantic region is 1,802.6 mt dw (3,973,902 lb dw). As of May 12, 2023, there have been no smoothhound shark landings in the Gulf of Mexico region, and 3 percent (47.0 mt dw) of their 2023 quota (1,802.6 mt dw) has been landed in the Atlantic region. NMFS proposes to adjust the 2024 Gulf of Mexico and Atlantic smoothhound shark quotas for anticipated underharvests in 2023 to the full extent allowed. The proposed 2024 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 2023 underharvest = 504.6 mt dw 2024 adjusted annual quota) and for Atlantic smoothhound sharks is 1,802.6 mt dw (1,201.7 mt dw annual base quota + 600.9 mt dw 2023 underharvest = 1,802.6 mt dw 2024 adjusted annual quota).

#### *Shark Management Groups Where Underharvests Cannot Be Carried Over*

Consistent with the current regulations at § 635.27(b)(2)(ii), 2023 underharvests cannot be carried over to the 2024 fishing year for the following stocks or management groups because they are overfished, are experiencing overfishing, or have an unknown status: sandbar shark, aggregated LCS, hammerhead shark, non-blacknose SCS, blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups. For these stocks, the 2024 proposed commercial quotas reflect the codified annual base quotas, without adjustment for underharvest. At this time, no overharvests have occurred, which would require adjustment downward.

**Aggregated LCS:** The 2024 proposed commercial quota for aggregated LCS in the western Gulf of Mexico sub-region is 72.0 mt dw (158,724 lb dw) and in the eastern Gulf of Mexico sub-region is 85.5 mt dw (188,593 lb dw). The 2024 proposed commercial quota for aggregated LCS in the Atlantic region is 168.9 mt dw (372,552 lb dw). In a recent action, NMFS transferred 40.0 mt dw of aggregate LCS quota from the eastern Gulf of Mexico sub-region to the western Gulf of Mexico sub-region (88 FR 17742, March 24, 2023). That inseason quota transfer would not impact the proposed actions in this rulemaking. As of May 12, 2023, preliminary reported landings for aggregated LCS in the western Gulf of Mexico sub-region were at 68 percent (75.9 mt dw) of their 2023 quota (112.0 mt dw), in the eastern Gulf of Mexico sub-region were less than 1 percent (<1.0 mt dw) of their 2023 quota (45.5 mt dw), and in the Atlantic region were 25 percent (41.8 mt dw) of their 2023 quota (168.9 mt dw). Reported landings from both Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2023 overall aggregated LCS quota to date. Given the unknown status of some species in the aggregated LCS complex, the aggregated LCS quota cannot be adjusted for any underharvests. Based on preliminary estimates and catch rates from previous years, NMFS proposes that the 2024 quotas for aggregated LCS in the western and eastern Gulf of Mexico sub-regions and the Atlantic region be equal to their annual base quotas without adjustment.

**Hammerhead Sharks:** The 2024 proposed commercial quotas for hammerhead sharks in the western Gulf of Mexico sub-region is 11.9 mt dw (26,301 lb dw) and eastern Gulf of Mexico sub-region is 13.4 mt dw (29,421 lb dw). The 2024 proposed commercial quota for hammerhead sharks in the Atlantic region is 27.1 mt dw (59,736 lb dw). As of May 12, 2023, preliminary reported landings of hammerhead sharks in the western Gulf of Mexico sub-region were less than 25 percent (<3.0 mt dw) of their 2023 quota (11.9 mt dw), in the eastern Gulf of Mexico sub-region were less than 7 percent (<1.0 mt dw) of their 2023 quota (13.4 mt dw), and in the Atlantic region were at 48 percent (12.9 mt dw) of their 2023 quota (27.1 mt dw). Reported landings from the Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2023 overall hammerhead quota to date. Given the overfished status of the scalloped hammerhead shark, the hammerhead shark quota cannot be adjusted for any underharvests. Based

on preliminary estimates and catch rates from previous years, NMFS proposes that the 2024 quotas for hammerhead sharks in the western and eastern Gulf of Mexico sub-regions and Atlantic region be equal to their annual base quotas without adjustment.

**Blacknose Sharks:** The 2024 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 May 12, 2023, preliminary reported landings of blacknose sharks in the Atlantic region were less than 17 percent (<3.0 mt dw) of their 2023 quota (17.2 mt dw). Given the overfished status of the blacknose shark, the blacknose shark quota cannot be adjusted for any underharvests. Based on preliminary estimates and catch rates from previous years, NMFS proposes that the 2024 quota for blacknose sharks in the Atlantic region be equal to their annual base quota without adjustment.

**Non-Blacknose SCS:** The 2024 proposed commercial quota for non-blacknose SCS in the Gulf of Mexico region is 112.6 mt dw (428,215 lb dw) and in the Atlantic region is 264.1 mt dw (582,333 lb dw). As of May 12, 2023, preliminary reported landings of non-blacknose SCS in the Gulf of Mexico were less than 1 percent (<1.0 mt dw) of their 2023 quota (112.6 mt dw) and in the Atlantic region were at 7 percent (18.8 mt dw) of their 2023 quota (264.1 mt). Given the unknown status of bonnethead sharks within Atlantic and Gulf of Mexico non-blacknose SCS management groups, underharvests cannot be carried forward. Based on preliminary estimates and catch rates from previous years, NMFS proposes that the 2024 quotas for non-blacknose SCS in the Gulf of Mexico and Atlantic regions be equal to their annual base quotas without adjustment.

**Blue Sharks, Porbeagle Sharks, and Pelagic Sharks (Other Than Porbeagle and Blue Sharks):** The 2024 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. Given the current shortfin mako shark retention limit of zero in commercial and recreational HMS fisheries, the pelagic sharks (other than porbeagle or blue sharks) management group comprises only common thresher shark landings. As of May 12, 2023, landings of porbeagle sharks were less than 59

percent (<1.0 mt dw) of their 2023 quota (1.7 mt dw), and landings of blue sharks were less than 1 percent (<2.0 mt) of their 2023 quota (273.0 mt), and landings of pelagic sharks (other than porbeagle and blue sharks) were at 2 percent (9.9 mt dw) of their 2023 quota (488.0 mt dw). Given that all of these pelagic species are overfished, have overfishing occurring, or have an unknown status, underharvests cannot be carried forward. Based on preliminary estimates of catch rates from previous years, NMFS proposes that the 2024 quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks) be equal to their annual base quotas without adjustment.

*Shark Research Fishery:* The 2024 proposed commercial quotas within the shark research fishery are 50.0 mt dw (110,230 lb dw) for research LCS and 90.7 mt dw (199,943 lb dw) for sandbar sharks. Within the shark research fishery, as of May 12, 2023, preliminary reported landings of research LCS were less than 4 percent (<2.0 mt dw) of their 2023 quota (50.0 mt dw) and sandbar shark reported landings were less than 24 percent (<22.0 mt dw) of their 2023 quota (90.7 mt dw). Because sandbar sharks and scalloped hammerhead sharks within the research LCS management group are either overfished or overfishing is occurring, underharvests for these management groups cannot be carried forward. Based on preliminary estimates, NMFS proposes that the 2024 quotas in the shark research fishery be equal to their annual base quotas without adjustment.

#### Request for Comments

Comments on this proposed rule and on NMFS' determination that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities (as discussed below in the Classification section), may be submitted via [www.regulations.gov](http://www.regulations.gov). NMFS solicits comments on this proposed rule by September 1, 2023 (see **DATES** and **ADDRESSES**).

#### Classification

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

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified

to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows.

This proposed rule would adjust quotas and default retention limits and establish the opening date for the 2024 Atlantic shark commercial fisheries. This proposed rule would also consider options for 2024 and future years to automatically open the commercial fishing year on January 1 each year under the base quotas and retention limits and increase the default commercial retention limit for the LCS fisheries. NMFS would adjust quotas as required or allowable based on any overharvests and/or underharvests from the 2023 fishing year. NMFS has limited flexibility to otherwise modify the quotas in this proposed rule. NMFS notes that the impacts of the quotas (and any potential modifications based on overharvests or underharvests from the previous fishing year) were analyzed in previous regulatory flexibility analyses, including the initial regulatory flexibility analysis (IRFA) and the final regulatory flexibility analysis (FRFA) that accompanied the 2011 Atlantic shark commercial fishing year rule (75 FR 76302, December 8, 2010). That final rule established the opening dates and quotas for the 2011 fishing season and implemented new adaptive management measures, including flexible opening dates and inseason adjustments to shark trip limits. Consistent with the adaptive management measures implemented in 2011 and based on the most recent data, in this action NMFS proposes adjusted quotas, retention limits, and opening date to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas.

This proposed rule's measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Section 603(b)(3) of the Regulatory Flexibility Act (RFA) requires Agencies to provide an estimate of the number of small entities to which the rule would apply. The SBA authorizes an agency to develop its own industry-specific size standards after consultation with the SBA Office of Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Pursuant to this process, NMFS issued a final rule that established a small business size standard of \$11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS

14111) for RFA compliance purposes (80 FR 81194, December 29, 2015; effective on July 1, 2016). The 2011 IRFA/FRFA analyzed the overall number of limited access permits, which covers all of our active participants today. NMFS still considers all HMS permit holders to be small entities because in total they have average annual receipts of less than \$11 million for commercial fishing.

As of March 2023, this proposed rule would apply to the approximately 196 directed commercial shark permit holders, 240 incidental commercial shark permit holders, 153 smoothhound shark permit holders, and 55 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 436 directed and incidental commercial shark permit holders, to date this year, 9 permit holders landed sharks in the Gulf of Mexico region, and 28 landed sharks in the Atlantic region. Of the 153 smoothhound shark permit holders, to date this year, 25 permit holders landed smoothhound sharks in the Atlantic region, and none have landed smoothhound sharks in the Gulf of Mexico region. As described below, NMFS has determined that all of these entities are small entities for purposes of the RFA.

Based on the 2022 ex-vessel prices (Table 3), fully harvesting the unadjusted 2024 Atlantic shark commercial base quotas could result in estimated total fleet revenues of \$10,233,205. For adjusted management groups, the following are changes in potential revenues resulting from the adjustments proposed in this rule. For the Gulf of Mexico blacktip shark management group, NMFS is proposing to adjust the base sub-regional quotas upward due to underharvests in 2023. The increase for the western Gulf of Mexico blacktip shark management group could result in a potential \$232,169 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 potential \$34,926 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 base quotas due to underharvest in 2023. This would cause a potential gain in revenue of \$381,938 for the fleet in the Gulf of Mexico region, and a potential gain in revenue of \$1,483,590 for the fleet in the Atlantic

region. Since a small business is defined as having annual receipts not in excess of \$11 million, and each individual shark fishing vessel would be its own entity, the total Atlantic shark fishery is

within the small entity definition since the total revenue is less than \$13 million (*i.e.*, the estimated total fleet revenues plus the potential gain in revenues due to underharvest). NMFS

has also determined that the proposed rule would not likely affect any small governmental jurisdictions.

TABLE 3—AVERAGE EX-VESSEL PRICES PER lb dw FOR EACH SHARK MANAGEMENT GROUP, 2022

Region	Management group	Average ex-vessel meat price
Western Gulf of Mexico	Blacktip Sharks	\$0.91
	Aggregated LCS	0.83
	Hammerhead Sharks	0.80
Eastern Gulf of Mexico	Blacktip Sharks	1.26
	Aggregated LCS	1.09
	Hammerhead Sharks	0.93
Gulf of Mexico	Non-Blacknose SCS	1.31
	Smoothhound Sharks	1.03
	Aggregated LCS	1.27
Atlantic	Hammerhead Sharks	0.72
	Non-Blacknose SCS	1.31
	Blacknose Sharks	1.38
	Smoothhound Sharks	1.12
	Shark Research Fishery (Aggregated LCS)	1.22
	Shark Research Fishery (Sandbar only)	0.98
No Region	Blue sharks	0.80
	Porbeagle sharks	
	Pelagic Sharks Other Than Porbeagle or Blue	1.51
	Shark Fins	
	Shark Fins	
	Shark Fins	
All		
Atlantic		
Gulf of Mexico		

All of these changes in gross revenues are similar to the gross revenues analyzed in the 2006 Consolidated HMS FMP and its Amendments 2, 3, 5a, 6, and 9. The final regulatory flexibility analyses for those amendments concluded that the economic impacts on these small entities from adjustments such as those contemplated in this action are expected to be minimal. In accordance with the 2006 Consolidated HMS FMP, as amended, NMFS now conducts annual rulemakings in which NMFS considers the potential economic impacts of adjusting the quotas for underharvests and overharvests. For the adjustments included in this proposed rule, NMFS concludes that the effects this proposed rule would have on small entities would be minimal.

In conclusion, although this proposed rule would adjust quotas based on over- and underharvest, automatically open the commercial fishing year on January 1 each year under base quotas and retention limits, and revise the default commercial retention limit for the LCS fisheries, this proposed rule does not practically change the regulations and management measures currently in place that govern commercial shark fishing in Federal waters of the northwestern Atlantic Ocean, Gulf of Mexico, and Caribbean Sea, nor does it effectively change how those shark fisheries have been managed over the

past eight years. Furthermore, as described above, this action is not expected to significantly affect the amount of sharks caught and sold or result in any significant change in the ex-vessel revenues those fishermen could expect, because, for the most part, the proposed quotas, retention limits, and opening dates are the same as those for the prior year. In addition, as described above, for the areas in which this action proposes adjustments, the increases in revenues for the participating small entities are minimal. Therefore, NMFS has determined that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As a result, an IRFA is not required and none has been prepared. NMFS invites comments from the public on the information in this determination that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

**List of Subjects in 50 CFR Part 635**

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties,

Reporting and recordkeeping requirements, Statistics, treaties.

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 635 as follows:

**PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES**

■ 1. The authority citation for part 635 continues to read as follows:

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

■ 2. In § 635.24, revise paragraph (a)(2) to read as follows:

**§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.**

\* \* \* \* \*  
(a) \* \* \*

(2) The commercial retention limit for LCS other than sandbar sharks for a person who owns or operates a vessel that has been issued a directed LAP for sharks and does not have a valid shark research permit, or a person who owns or operates a vessel that has been issued a directed LAP for sharks and that has been issued a shark research permit but does not have a NMFS-approved observer on board, may range between

0 and 55 LCS other than sandbar sharks per vessel per trip if the respective LCS management group(s) is open per § 635.27 and 635.28. Such persons may not retain, possess, or land sandbar sharks. At the start of each fishing year, the default commercial retention limit is 55 LCS other than sandbar sharks per vessel per trip unless NMFS determines otherwise and files with the Office of the Federal Register for publication notification of an inseason adjustment. During the fishing year, NMFS may adjust the retention limit per the inseason trip limit adjustment criteria listed in paragraph (a)(8) of this section.

\* \* \* \* \*

\* \* \* \* \*

■ 3. In § 635.27, revise paragraphs (b)(2) introductory text and (b)(3) introductory text to read as follows:

**§ 635.27 Quotas.**

\* \* \* \* \*

(b) \* \* \*

(2) *Annual and inseason adjustments of commercial quotas.* NMFS will publish in the **Federal Register** any annual or inseason adjustments to the base annual commercial overall, regional, or sub-regional quotas. Unless the opening date of a commercial shark fishery is adjusted under paragraph (b)(3) of this section, on January 1 of each year, base quotas, as established in paragraph (b)(1) of this section, will be available, and any adjustments will be published in the **Federal Register**. Within a fishing year or at the start of a fishing year, NMFS may transfer quotas between regions and sub-regions of the same species or management group, as appropriate, based on the criteria in paragraph (b)(2)(iii) of this section.

\* \* \* \* \*

(3) *Opening commercial fishing season.* Unless adjusted under this paragraph (b)(3), the commercial shark fisheries will open on January 1 of each year under the base quotas, as established in paragraph (b)(1) of this section. If NMFS determines a commercial shark fishery or a part of a commercial shark fishery should open on a date other than January 1, NMFS will file with the Office of the Federal Register for publication notification of the opening date(s) of the relevant overall, regional, or sub-regional shark fishery(ies) for the relevant species or management group(s). Before making any decisions, NMFS would consider the following criteria and other relevant factors in establishing the opening date(s):

\* \* \* \* \*

■ 4. In § 635.28, revise paragraphs (b)(2) and (3) to read as follows:

**§ 635.28 Fishery closures.**

\* \* \* \* \*

(b) \* \* \*

(2) *Non-linked quotas.* If the overall, regional, and/or sub-regional quota of a species or management group is not linked to another species or management group and that overall, regional, and/or sub-regional quota is available, then that overall, regional, and/or sub-regional commercial fishery for the shark species or management group will open as specified in § 635.27(b). When NMFS calculates that the overall, regional, and/or sub-regional landings for a shark species and/or management group, as specified in § 635.27(b)(1), has reached or is projected to reach 80 percent of the applicable available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1) and is projected to reach 100 percent of the relevant quota by the end of the fishing season, NMFS will file for publication with the Office of the Federal Register a closure action, as applicable, for that shark species and/or shark management group that will be effective no fewer than 4 days from date of filing. From the effective date and time of the closure until the start of the following fishing year or until NMFS announces, via the publication of a notice in the **Federal Register**, that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fisheries for that shark species or management group are closed.

(3) *Linked quotas.* As specified in paragraph (b)(4) of this section, the overall, regional, and/or sub-regional quotas of some shark species and/or management groups are linked to the overall, regional, and/or sub-regional quotas of other shark species and/or management groups. For each pair of linked species and/or management groups, if the overall, regional, and/or sub-regional commercial fishery for both of the linked species and/or management groups will open as specified in § 635.27(b)(1). When NMFS calculates that the overall, regional, and/or sub-regional landings for any species and/or management group of a linked group have reached or are projected to reach 80 percent of the applicable available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1) and are projected to

reach 100 percent of the relevant quota before the end of the fishing season, NMFS will file for publication with the Office of the Federal Register a closure action for all of the species and/or management groups in that linked group that will be effective no fewer than 4 days from date of filing. From the effective date and time of the closure until the start of the following fishing year or until NMFS announces, via the publication of a notice in the **Federal Register**, that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fishery for all species and/or management groups in that linked group is closed.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[RTID 0648-XD183]

**Atlantic Highly Migratory Species; Amendments 15 and 16 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan**

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

**ACTION:** Notice of additional public hearing locations.

**SUMMARY:** On May 5, 2023, NMFS published a proposed rule for Amendment 15 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) on spatial fisheries management and electronic monitoring cost allocation. On May 8, 2023, NMFS published a notice of intent for scoping of Amendment 16 to the 2006 Consolidated HMS FMP on shark management. In both actions, NMFS announced several public hearings and webinars to provide the opportunity for public comment. This notice announces that NMFS is adding a public hearing for both Amendment 15 and Amendment 16 based on public interest. **DATES:** NMFS will hold one additional public hearing on Draft Amendment 15 and its proposed rule and another public hearing on the scoping document for Amendment 16. See **SUPPLEMENTARY INFORMATION** for all meeting dates and times. See **SUPPLEMENTARY INFORMATION**